

Joseph Paul Traynor, a citizen of Maine, to be an assistant surgeon in the Navy.

Gunner Charles Morgan, to be a chief gunner in the Navy, from the 17th day of October, 1901.

#### PROMOTIONS IN THE NAVY.

Commander Albert Ross, to be a captain in the Navy, from the 11th day of April, 1902.

Paymaster Charles W. Littlefield, to be a pay inspector in the Navy, from the 29th day of March, 1902.

Passed Assistant Paymaster John Irwin, jr., to be a paymaster in the Navy, from the 29th day of March, 1902.

Assistant Paymaster Hugh R. Insley, to be a passed assistant paymaster in the Navy, from the 29th day of March, 1902.

Paymaster William W. Galt, to be a pay inspector in the Navy, from the 10th day of April, 1902.

Paymaster Arthur Peterson, to be a pay inspector in the Navy, from the 10th day of April, 1902.

Passed Assistant Paymaster John H. Merriam, to be a paymaster in the Navy, from the 10th day of April, 1902.

Capt. Joseph B. Coghlan, to be a rear-admiral in the Navy, from the 11th day of April, 1902.

Capt. James H. Sands, to be a rear-admiral in the Navy, from the 11th day of April, 1902.

Asst. Surg. Will M. Garton, to be a passed assistant surgeon in the Navy, from the 27th day of July, 1901.

Asst. Surg. Alfred G. Grunwell, to be a passed assistant surgeon in the Navy, from the 7th day of July, 1901.

Asst. Surg. Cary D. Langhorne, to be a passed assistant surgeon in the Navy, from the 7th day of July, 1901.

Asst. Surg. Frederick L. Benton, to be a passed assistant surgeon in the Navy, from the 21st day of July, 1901.

Asst. Surg. William H. Bell, to be a passed assistant surgeon in the Navy, from the 16th day of September, 1901.

P. A. Surg. William C. Braisted, to be a surgeon in the Navy, from the 26th day of January, 1902.

#### POSTMASTERS.

Joseph E. Helfrich, to be postmaster at Carthage, in the county of Hancock and State of Illinois.

Elijah O. Lefors, to be postmaster at Bentonville, in the county of Benton and State of Arkansas.

Daniel Lynch, to be postmaster at Lowell, in the county of Lake and State of Indiana.

John C. Fudge, to be postmaster at Dunkirk, in the county of Jay and State of Indiana.

Miles K. Moffett, to be postmaster at Connersville, in the county of Fayette and State of Indiana.

### HOUSE OF REPRESENTATIVES.

THURSDAY, May 8, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

#### MEMBER OF COMMITTEE ON APPROPRIATIONS.

The SPEAKER announced the following committee assignment:

*Member of Committee on Appropriations*—Mr. GILLET of Massachusetts.

#### ORDER OF BUSINESS.

Mr. KNOX. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12543, the statehood bill, and pending that motion, after consultation with all members who are interested in this matter, I ask unanimous consent that unless general debate be sooner concluded in Committee of the Whole that it end at 3 o'clock.

The SPEAKER. The gentleman from Massachusetts moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12543, the statehood bill—

Mr. BARTLETT rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARTLETT. Mr. Speaker, I would ask the gentleman from Massachusetts to withhold his motion for a moment that I may prefer a request about a matter not connected with this.

Mr. KNOX. Very well.

Mr. BARTLETT. I desire to ask unanimous consent that the minority members of the Committee on Banking and Currency have until to-morrow to file their views on the bill H. R. 13363, known as the Fowler bill, and in doing so I would state that this is perfectly agreeable to the chairman of the committee and to the majority members.

The SPEAKER. The gentleman from Georgia asks unanimous

consent that the minority may have until to-morrow to file their views on what is known as the Fowler bill, reported from the Committee on Banking and Currency. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Pending the motion of the gentleman from Massachusetts, he asks unanimous consent that, unless sooner closed, general debate be closed to-day at 3 o'clock. Is there objection to this request? [After a pause.] The Chair hears none, and it is so ordered.

The question now is on the motion of the gentleman from Massachusetts, that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12543—the statehood bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House for the further consideration of the bill H. R. 12543, with Mr. HEMENWAY in the chair.

#### ADMISSION OF OKLAHOMA, ARIZONA, AND NEW MEXICO AS STATES.

Mr. MOON. Mr. Chairman, but little remains to be said in support of this measure after the favorable presentation by the gentleman from Massachusetts [Mr. KNOX] and by the gentleman from New Mexico [Mr. RODEY]. Perhaps it ought not to be said that gentlemen are pledged to support this measure merely because their party platforms declare for the admission of these Territories as States in the Union, for it is possible that in the minds of some gentlemen conditions may have arisen which would justify them in the violation of the pledge made by their party in convention to the people of the United States. If, however, under a sound policy, if in common justice, the constitutional right to admission exists, then this House ought not to hesitate to exercise that discretion which is conferred by the Constitution and the law for the admission of these Territories.

Is there any sound policy that would deny their admission? Are the people of these Territories unlike the people of the States? Do they adhere to any doctrines in government that are in opposition to the principles of republican government? Is the Territory not sufficient in area to make a State? Is the population not sufficient to constitute a State? Are the resources of the country insufficient to support a State government? If so, then this House ought to exercise its judgment in opposition to their admission. If, however, these questions may be answered favorably to the Territories, it is the duty of this House to exercise that discretion which the law confers upon it and admit the Territories. As a matter of justice, taking into consideration the conditions that existed when six of the original States that formed the Union were made a part of it, and when twenty-six of the States that have been since admitted were admitted, it would seem that there ought not to be any hesitancy on the question of their admission; but, sir, the people of the Territories demand admission to the Union upon higher and broader grounds than mere public policy.

I assert, fearing not that it will be contradicted by any lawyer on this floor, that the moral right to admission exists now, and that the denial of admission is a denial of a right perfected under the Constitution. It has been determined by the court of last resort in the United States that when territory is acquired by the Union it is acquired with the ultimate purpose of statehood; that it is clothed with the inchoate right of statehood; that Congress alone has the right and the power to determine when the territory so acquired is fitted for statehood. This is a discretion that can not be overruled by any other power. It is vested in Congress alone. Yet it is not a mere arbitrary discretion; it is a semi-judicial, it is a legislative discretion which Congress is called upon to exercise when the conditions are such as to fit the Territory for statehood.

The facts, therefore, must be such as to invoke this legislative discretion in wisdom and in justice, and not arbitrarily. Hence, if the Territories are numerically sufficient in population; if the resources are sufficient; if they are imbued with the principles of republican government; if they desire admission, then the inchoate right which passed to the Territory at the moment of its acquisition has become completed under the law, and the right of admission is a clear constitutional right which the Congress can not deny without impugning its integrity and exercising the highest order of tyranny which any legislative body can exercise; for when a power is vested in a legislative body to be exercised in judgment and in justice, and that power is exercised arbitrarily, it is the most grievous form of public tyranny.

I will not review the facts, for they are supposed to be in the possession of every member in this House, having been so admirably and tersely stated in the report of the Committee on Territories, and clearly demonstrate the fitness of the Territories for States. Arizona, Oklahoma, and New Mexico are standing to-day at the bar of the American Congress with clasped hands. They come clad in the robes of organized American Territories, the indicia of political bondage. United in one petition, they ask at your hands the scepter of local self-government, the crown of

sovereignty, and the robes of statehood. Who are they? Whence do they come? They are not strangers to your shores, they are not strangers to your institutions, but nearly a million of American citizens, they rest on the bosom of the most fertile portion of the great American domain, rich in resources and magnificent in area. They have performed all the obligations which the law imposes upon them; they ask you to exercise that judgment and discretion which the law imposes upon you.

They come with neither armies nor navies nor other insignia of power, but a brave and virtuous citizenship, all that constitutes a great State. In the name of the Federal Constitution, which they have so long obeyed, they now ask its vindication. Under the shadow of that flag they have so long followed as the emblem of their country's justice and power, they have come to kneel at the altar of American liberty and as free States swear eternal allegiance to the Republic. [Applause.] What patriot will deny this privilege? What partisan is here to protest? Go fix their stars on the flag of the Union, and God grant that in the ages to come they shall burn as brightly as on their natal day, the symbols of States still sovereign, still free, undimmed by the glare and the glitter of imperial power. [Prolonged applause.]

And when they have taken their vows, that they may not depart from the paths of truth and freedom, teach them that liberty is not license, but consists in the power of doing that which just and constitutional laws permit. Tell them the sad but ever beautiful, glorious, and inspiring story of the march of their elder sisters from the night of despotism into the light of day. Warn them of all the dangers that beset the journey. Let them know that devotion to the principles of the Declaration of Independence and obedience to the Constitution is the only hope of the political salvation of the States and of the perpetuity of the Republic; that the Republic itself rests on the rock of the Constitution, and if you shatter not the Constitution the Republic can never fall.

Let them know that the greatest enemy to the Union is the unbroken and unbridled spirit of party partisanship, overriding justice in her tribunals, destroying freedom of speech in the legislative halls, and usurping power for the Executive; that profligacy and corruption are the children of intolerant party spirit; that no government can be purer than the people that sustain it; and that no corrupt people can long sustain a free government. Caution them that inequality in taxation, injustice in administration, legislation for the advancement of special interests, and the unauthorized assumption of power as the very essence of corruption are the potent powers in the destruction of free states.

And, Mr. Speaker, when they take their stand among the great Commonwealths that constitute this Union and look back upon its struggles, its tribulations, and its perils, let no page of that history discourage them, though upon it may be written in blood the infraction of individual rights and the desecration of Commonwealths, for these are but the cruel markers of the progress of a people's national growth, the index to the evolution of government. Let them understand that the high tide of danger can not come to American institutions until the limit of Federal power has been reached and exhausted, and the Government shall be still powerless to contend against the great and gigantic corporations that have grown beyond the control of law, and when it shall assume to itself inherent powers of sovereignty and no longer look to the Constitution as the source of power. Then, Mr. Speaker, and not till then, an imperial democracy may lift the crown of sovereignty from the people and place it upon the head of their tyrant, who in turn will deliver it to the people's oppressors.

If we shall avoid the approaching dangers—if we shall forever defend and protect those principles of free government for which brave men have ever contended—I warn you that the Federal Government must be strengthened by Constitutional amendment to the end that no power may exist within the confines of the Union that is greater than the Union itself; that every power under the Federal Constitution must be exercised to its full limit in the protection of the masses of the people; that all men at last may salute the flag, obey the Constitution, and move forward the march of the States in one great Union to that destiny that awaits them in a mighty Republic, where truth, justice, and law triumphs, and liberty like day breaks on the soul, and by a flash from heaven fires all the faculties with glorious joy. [Loud and long-continued applause.]

Mr. GROSVENOR. Mr. Chairman, I find myself in a somewhat anomalous condition; willing to support some portions of this measure and unwilling to support the balance. Therefore I find myself now constrained to refuse to support this bill as it has been reported to the House by the Committee on Territories. Doubtless it was apparent to the Committee on Territories that somewhere in this bill there is a weak spot, else there would have been no occasion for the massing together of Territories stretching almost from British America to the Torrid Zone in one grand com-

bination seeking votes for a measure which could not have received the votes of this House if submitted upon separate propositions.

I am aware that logrolling is an incident to modern legislation. I want to describe one of the old logrolling occasions of the frontier days of my boyhood, and show the House of Representatives that there is nothing new; that this measure has all the elements of the old-time raising or logrolling or grubbing bee. It was too big a job for the farmer and his boys to roll the logs on a given piece of clearing in the springtime, and he did not have any hired man, and there were a number of other neighbors in the vicinity in the same boat. They, too, had logs to roll, and they had too weak a force of their own to undertake the enterprise; and the result of it was all made a logrolling, and in that way the logs of neighbor A were disposed of on one occasion, B on another, and so on down to the end of the list. I find that these occasions have perpetuated themselves in more ways than one in this bill which we have before us. Some neighbors were too lazy or too shiftless to deserve any help, and yet if they could get in and could get themselves attached to the combination they could get their logs rolled in some way; and we find here suspicious circumstances that refresh my memory of the old times when the poor man—that is, poor in spirit, poor in industry, poor in everything except the genius to attach himself to somebody else—was able to get his logs rolled at the same time that the big man, the enterprising man, the industrious man got his logs rolled.

Mr. SMITH of Arizona. Did any of them get so mean that after they had got all their logs rolled they allowed their neighbors to do the rolling for themselves?

Mr. GROSVENOR. That depended upon circumstances.

Mr. SMITH of Arizona. When they got their logs rolled they quit the business.

Mr. GROSVENOR. I will show the gentleman how this occurs. It is quite important to get into the logrolling.

Mr. SMITH of Arizona. I want to hear it.

Mr. GROSVENOR. I want to show him that this claim, as put forward by the gentleman from Massachusetts, has no shadow of foundation in the history of this country or in the logic of the Constitution of the United States.

Mr. SMITH of Arizona. I will be glad to hear it.

Mr. GROSVENOR. I know that this is not the first omnibus statehood bill presented here. I recollect one in which I participated myself, and in favor of it I made a speech, and against which I found the substantial vote of the Democratic party; and they put it upon the broad, high ground, which they had a perfect right to put it, and which has been the true ground that has controlled the action of Congress ever since the foundation of the Government; that there were political reasons incident to the introduction of new States that made the Democratic party on this floor and in the Senate opposed to the introduction of those States. Now, then, the gentleman from Massachusetts tells us that this is not a political question. I tell him that is contrary to all the history of this country; it is contrary to every step of legislation that this country has taken in this behalf ever since the foundation of this Government from the time when the thirteen original States of the Union prescribed the terms upon which the three States to which he has referred should come into the Union, and all the other States from that day to this; and I lay down the broad sweeping proposition that from the days of the introduction of Vermont first, and Tennessee second, and Ohio third, and so on to the rest, this question has been a question of politics, and no statesman of that period ever hesitated boldly to put forward the proposition that he opposed or supported the introduction into the Union as an argument one way or the other of what the effect would be upon the policy and politics of the Union.

Mr. LLOYD. Will the gentleman state whether there was any opposition to the admission of the State of Ohio?

Mr. GROSVENOR. I do not know that there was.

Mr. LLOYD. You have just referred to Ohio as one upon which there was objection. There was no political objection to the admission of the State.

Mr. GROSVENOR. I have not made any such statement. I have said that Congress has insisted upon prescribing the terms on which these States should come into the Union.

Mr. LLOYD. And then referred to the fact that Vermont, Kentucky, and Tennessee, and Ohio were admitted under that kind of a provision.

Mr. GROSVENOR. I say that now.

Mr. LLOYD. Then the gentleman's statement must have conveyed the idea that men then voted with reference to the question of admission purely on their idea of politics.

Mr. GROSVENOR. I said nothing that sounded like it. I said that Congress prescribed the terms on which the State might come into the Union, and then I said from that day down nobody had hesitated to admit that it was a question of politics.

Mr. LLOYD. If I was mistaken, I desire now that the gentleman from Ohio should state upon what terms Ohio was admitted.



Mr. GROSVENOR. There were plenty of them. The enabling act was full of terms, and if the gentleman is ignorant of the fact that Congress on each occasion prescribed the exact terms upon which these States might come into the Union, I shall not deflect now and hunt up statutes that admitted the State of Ohio; but all the terms were prescribed with as much detail as we have in the bill before us.

Mr. LLOYD. The gentleman shows that he has not read the enabling act of his own State.

Mr. GROSVENOR. I have practiced law in Ohio from the time I was admitted in 1857, and I have found the land titles of the State prescribed and defined by the act of Congress admitting the State into the Union. I have found section 16, devoted to public schools, prescribed in the act of Congress admitting the State into the Union. I have found section 29, the ministerial section, provided for in the act of Congress admitting Ohio into the Union. That is not all that happened in the case of Ohio, and in the case of Tennessee, and in the case of Vermont. After the enabling act had been passed by Congress, Congress so far supervised the functions of the new State as to pass laws, notwithstanding the ordinance of 1787, passing an enactment extending the operation of the Constitution and laws of the United States out over the Territory then divided up and of which the State of Ohio was a part, showing conclusively that the State of Ohio was not exempt, notwithstanding that Ohio stood upon very different footing, as the gentleman will find when he reads the ordinance of 1787, from any of the States of the Union except the four other sister States that were carved out of the territory northwest of the Ohio and conveyed by the act of cession.

Mr. RODEY. Does not this bill provide everything with reference to the land?

Mr. GROSVENOR. Undoubtedly it does; and that is the line of my argument, to show that Congress has the right to dictate terms on which States shall come into the Union and prescribe the land titles and gifts of land and all the other things. For instance, the case of Utah; we made prescriptive declarations in regard to her constitution, in regard to her laws, and in regard to many other things that have been omitted in many of the other States.

Mr. RODEY. I do not think anybody has denied that here.

Mr. GROSVENOR. I am stating it, and it does not detract from the force of my statement whether anybody has denied it or not. My friend from New Mexico said a great many things yesterday that nobody denied.

Mr. RODEY. I am glad to hear it.

Mr. GROSVENOR. Congress went so far in the case of the ordinance of 1787 as to prescribe that these States should never go out of the Union. "They shall ever remain a part of the confederation of the United States of America, subject to the articles of confederation." The ordinance of 1787 was passed prior to the adoption of the Constitution. The ordinance was passed in April, 1787, and the Constitution was adopted in September of that year.

Now, then, the argument seems to be this. I have said, however, that from the foundation of the Government down to the present time, the question of politics has invariably found itself operating upon the judgment of Congress. Before the war when the great question of slavery and free territory was the great political question of the country, when it was determined upon the part of the lovers of freedom in the Territories that Kansas and Nebraska should become States of the Union, the battle of the South was made against the introduction of these States as free States, upon the ground that it destroyed the equilibrium of political power in this country. Nobody has ever been heard before to boldly deny it. Read the works of Benton of Missouri, one of the great men of his time, and see how fearlessly he puts forward the proposition that the whole question or the great question always turns upon the question of the politics of the incoming State into the Union.

So we admitted the State of Nevada into the Union for purely political purposes. There is not a man on this floor now, not even the distinguished gentleman representing the State of Nevada [Mr. NEWMAN], who will not candidly admit that the admission of Nevada was for the purpose of creating a preponderance in favor of the North side of the great question that was presented at that period when the State of Nevada was brought into the Union.

Mr. STEPHENS of Texas. Are not party politics defined in the party platform, or does not the party platform define what political principles are?

Mr. GROSVENOR. I am coming to that point, if the gentleman will allow me to proceed.

Mr. STEPHENS of Texas. Has not the admission of these Territories been supported as a matter of party policy in both the Democratic and the Republican platforms?

Mr. GROSVENOR. So have a great many other things that

people pay no more attention to than the barking of a dog in the morning.

Mr. STEPHENS of Texas. Then you declare on this floor that you pay no more attention to those declarations than to the barking of a dog?

Mr. GROSVENOR. I have made my declarations on this subject a great many times before. I do not allow myself to be bound by such a declaration of party policy. I will stop right here and say to the gentleman that when the chairman of the committee in the Republican convention reported those resolutions I was as near to him as I now am to the gentleman from Texas, and I do not believe there were ten men on the floor of that convention who knew that Mr. Quigg had injected any such thing as that into the platform of the Republican party at the time the platform was revised.

Mr. RODEY. But they knew it after it was read, did they not?

Mr. KNOX. Is there any substantial difference between the platform of 1900, when, you say, these resolutions were injected into the platform—

Mr. GROSVENOR. Yes; injected.

Mr. KNOX. Is there any difference between those resolutions of 1900 and the platform of 1896, adopted four years before? Was not the same declaration injected into the platform of 1896?

Mr. GROSVENOR. Well, when I get to that, I will try to talk about it.

Mr. KNOX. You have got to it now.

Mr. GROSVENOR. No; I have not. I am trying to get back to the question I was discussing in spite of gentlemen who go off into the woods and hunt up some question that has no bearing upon what I am saying, and with it try to break up my speech.

Mr. KNOX. I would not break up the gentleman's speech for the world. I want you to make your speech.

Mr. GROSVENOR. The gentleman from Massachusetts [Mr. KNOX] knows as well as I know that there has been a long line of clap-trap perpetrated by both parties upon this question of home rule and the introduction of States into this Union.

Mr. KNOX. I am a humble member of the party who does not know it.

Mr. GROSVENOR. I do. We have been saying for the past twenty-five years that we are in favor of home rule for the Territories, and Mr. Cleveland's Administration went into power upon that basis. Yet he sent Mr. Springer and almost everybody else that wanted a position out there to the Territories, until he had filled the offices all up with nonresidents. And our party, I will say to the gentleman from Massachusetts, is in no better historical position than is the Democratic party upon that same question.

Mr. KNOX. I think I have heard the gentleman take quite a different position sometimes in denouncing the Cleveland Administration.

Mr. GROSVENOR. Not on that question.

Mr. KNOX. Oh, yes.

Mr. GROSVENOR. Never. I will defy the gentleman to show it. The gentleman knows he can not find any such declaration.

Mr. KNOX. I have no doubt I can.

Mr. GROSVENOR. Oh, "no doubt" is another thing.

Mr. KNOX. I think I can show that the gentleman has been on very many sides of very many questions.

Mr. GROSVENOR. Well, you will always find me ready to defend any position which I take. I am not here to have any personal controversy with the gentleman from Massachusetts.

Mr. KNOX. Certainly not.

Mr. GROSVENOR. He has uttered a political and legal doctrine here that was bitterly opposed and denounced by Daniel Webster, and which has been opposed by every leading or distinguished Republican member of Congress, or of the judiciary, ever since the first introduction of new States into this Union. The gentleman has announced this doctrine—and I am ready to meet him upon that proposition at once—that the people of a Territory have a right to be admitted into the Union. I say there is no such thing, either in the law books or in the Constitution or in the declaration of any man on the floor of Congress, until the gentleman from Massachusetts made that declaration yesterday, nor is it in the platform of any political party, nor will it ever be repeated again except in furtherance of some measure of this character.

Now, let me read to the gentleman what jurists and statesmen of New England have said upon this identical question. Bear in mind what the particular position of the gentleman is:

Mr. STEPHENS of Texas. Will the gentleman yield for another question?

Mr. GROSVENOR. Yes, sir.

Mr. STEPHENS of Texas. I was going to ask the gentleman whether the treaty of Guadalupe Hidalgo did not stipulate that New Mexico should be admitted as a State?

Mr. GROSVENOR. Do you know what that treaty said? What did it say?

Mr. STEPHENS of Texas. Did it not say that New Mexico should be made a State in the future?

Mr. GROSVENOR. No. It did not say any such thing.

Mr. STEPHENS of Texas. Let the gentleman read the language of the treaty and see.

Mr. GROSVENOR. The trouble with the gentleman is that he undertakes to interrupt me and does not quite understand what he is talking about. The treaty said in substance that at a suitable or a proper time New Mexico should be admitted as a State.

Mr. STEPHENS of Texas. Is not fifty years—a half a century—a proper time?

Mr. GROSVENOR. I am going to show directly that that is a question for Congress. I take this position, that there is no such thing as a right, a political right—and that is what it must be, if it is anything—in the people of a Territory to demand admission into the Union of the United States, and their exclusion from admission into the United States, if done by the deliberate act of Congress, is conclusive upon all mankind, and this is in accordance with the history of the country from the foundation of this Government down to the present time.

Mr. RODEY. Will the gentleman from Ohio answer this question: Have the Territories, then, a right to secede from this Government if they are not admitted?

Mr. GROSVENOR. No; they have not.

Mr. RODEY. Then they can be kept in eternal bondage, notwithstanding the treaty provision of the Louisiana purchase in the case of Oklahoma and the provision of the treaty of Guadalupe Hidalgo in the case of New Mexico and Arizona?

Mr. GROSVENOR. They can, for the Supreme Court has said so within a very brief period. It has delivered the broad, sweeping proposition that the Territories of the United States, while parts of the country—I will read just what the Supreme Court of the United States has said on this subject—

Mr. RODEY. But are you advocating the doctrine that this Government ought to shut out the Territories of New Mexico and Arizona at this time?

Mr. GROSVENOR. Now, I do not propose to make my speech in pieces.

Mr. RODEY. I should be glad to hear from the gentleman as to that.

Mr. GROSVENOR. Now, the gentleman from New Mexico [Mr. RODEY] yesterday spoke away here by the hour, assailing everybody, abusing everybody, charging everybody with wrongdoing toward the Territory, and all that sort of thing, using language which I will show him has been repeated heretofore and been rebuked by one of the great Democrats of this country, and nobody interrupted him; and now I have not been talking about the treaty of Guadalupe Hidalgo, which the gentleman is trying to make me speak about, and I have not said a word about the nature of this Territorial relation to the United States, and yet the gentleman proposes to get up here and break into my speech in order apparently to disorganize my line of thought. I can tell the gentleman that he is fooling away his time. I know what I am going to say before I get through, and as I have an hour to speak in I shall use that time all up before I will be broken in in that kind of way.

Mr. RODEY. I will state to the gentleman that I have no desire to interrupt at all; all I desire to know is what he is advocating.

Mr. GROSVENOR. Here is what the Supreme Court of the United States says your Territory is, and you might as well understand it; and this identical language of the Supreme Court of the United States has been acted upon by the people of the United States from the days when they organized the Northwestern Territory and put into the Constitution the section that provided that Congress may make all needful rules and regulations for the government and disposition of Territories of the United States. Here is what the Supreme Court has recently said.

Mr. RODEY. From what does the gentleman read?

Mr. GROSVENOR. From the case of the *Gem of the Orient* the Philippine decision—

The Philippines thereby ceased, in the language of the treaty, "to be Spanish." Ceasing to be Spanish, they ceased to be foreign country. They came under the complete and absolute sovereignty and dominion of the United States, and so became territory of the United States over which civil government could be established. \* \* \* Their allegiance became due to the United States, and they became entitled to its protection.

That is the condition in which your Territory has been for fifty years, and that is the condition in which every foot of the territory of the United States stands to-day by the terms of the Constitution.

Mr. KNOX. Will the gentleman yield to a question right there?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Massachusetts?

Mr. GROSVENOR. Yes.

Mr. KNOX. Do you not think that on account of that decision, placing the citizens of those Territories on a level with the Filipino and Porto Rican, it is time for us to emancipate them and make them American citizens? [Applause.]

Mr. GROSVENOR. Well, the gentleman shall not drive me to discuss the relative position of the citizens of the various dependencies of the United States. I could say some things on that subject that possibly would mar the feelings of the gentleman, and I will not do it. [Laughter.] I think the Spanish language is used pretty fluently in both sections. I think I could go a great deal further and point out to the gentleman a great many things, but I am not going to do that; I will not be driven into assaults upon the Territories or their people.

That, then, is the position of the Territories of the United States. Now, says the gentleman from Massachusetts [Mr. KNOX], they have rights that have been violated, and the gentleman from New Mexico [Mr. RODEY] would have you believe that the Government of the United States has been constantly oppressing and depressing these people out there. Here is what a gentleman said, that I believe in his day has been as good a lawyer as is my friend from Massachusetts, as clear-headed a statesman, and I will not say a greater one. When the Dakota bill was before Congress a nearly solid Democratic war was made against her admission. Why? Just for one reason, and one reason alone, and that was for the same reason that there will be a solid Democratic vote for this bill to-day. That vote was given in order not to strengthen the Republican power in this Government, and this vote will be given in order to strengthen the Democratic power in this Government, and I am not criticising the Democrats on this floor. It has been done in all the history of this country, and it has always been done bravely and openly and aboveboard.

Mr. BOWIE. By all parties?

Mr. GROSVENOR. By all parties, and I glory in it. I voted for the Dakota bill and urged the passage of the Dakota bill, among other things, because in my judgment it would be a Republican State. I did it exactly as the Republican party and the Whig party together introduced the State of California without a Territorial legislature or a Territorial organization, in order that the equilibrium of political power might be sustained in the Senate of the United States.

Mr. LLOYD. Is it not true that in the discussion of the Dakota bill that every Democrat who spoke on the bill announced the proposition that he was decidedly in favor of the admission of Dakota, and that the members of the Republican party who expressed themselves on the floor of the House insisted on the proposition that Dakota should be divided and that there should be two States instead of one.

Mr. GROSVENOR. Yes, and I will read you what was said at that time by a gentleman who was wide-awake and alive on that question. The gentleman from Missouri [Mr. LLOYD] was not here and he does not remember that battle as well as I do.

Mr. Springer led the matter through, to complicate matters, and insisted on a united State, and this was said to him, and he never denied it:

The bill having passed, Mr. Springer made a motion to amend the title, and upon that motion demanded the previous question; thereupon Mr. GROSVENOR asked unanimous consent to offer an amendment to the amendment, which was refused; thereupon debate ensuing upon the amendment to the title to the bill.

Mr. GROSVENOR said: Mr. Chairman, I wanted to have offered what I conceive to be the true title of this bill and one that would have conveyed to the people of the United States the idea which they have already formed. My amendment is as follows:

"An act to try to convince the people of Dakota that the Democratic party is willing that Dakota may come into the Union, but, in fact, to keep that Territory and all others which have a Republican majority out of the Union for an indefinite length of time."

Now, Mr. Chairman, the fulsome efforts as to the magnificent Territories of the Union by the gentleman from Illinois [Mr. Springer] will not deceive anybody as to what was and what is the deliberate purpose of the Democratic party on this floor. This bill to admit the Territories on this ground was reported to this House away in March last, and the gentleman from Illinois [Mr. Springer] and his party resisted at every step every attempt made here by the friends of Dakota to call up that bill or to assign any day for its consideration, and they went on in that way through the long session of Congress, baffling every effort that was made by this side of the House to admit Dakota into the Union of States, and that long session, which extended away past the middle of October, ended without a single effort being made by the Democrats to act upon this bill. They presented a solid front in opposition to the admission and in opposition to everything that would enable us to act on any one of the Territories. But gentlemen have heard a voice, not "as one crying in the wilderness," but it has been the voice of a magnificent uprising of the same people whom the gentleman from Illinois now so fulsely and eloquently describes.

That was what was done precisely, and if the gentleman will wait for a moment I am going to read from a bitter speech made by a leading Democrat against the admission of any part of Dakota into the Union.



Mr. THAYER. Will the gentleman yield to me for a question?  
Mr. GROSVENOR. I would rather not, but go ahead.

Mr. THAYER. I heard the gentleman state a moment ago that the Democratic party would vote for the admission of these three Territories because thereby they would receive an advantage from it. Is it not true that two of these Territories are represented by Republicans, and if they are made into free States the Republicans would have four Senators, while the Democrats could get but two?

Mr. GROSVENOR. Does the gentleman believe that statement? [Laughter.]

Mr. THAYER. Is it not a fact? Is it not a fact that New Mexico and Oklahoma are now represented here by Republicans on this floor at this minute?

Mr. GROSVENOR. And is the gentleman dissatisfied about it? [Laughter.]

Mr. THAYER. No; I am not objecting to that.

Mr. GROSVENOR. And the gentleman's district, that is now represented by a Democrat, is that a Democratic district? [Laughter.] But if the gentleman will allow me to go on—

Mr. THAYER. They are pretty well satisfied.

Mr. GROSVENOR. I do not know whether they are or not.

Mr. THAYER. There are many things the gentleman does not seem to know.

Mr. GROSVENOR. I am more than evened up by the gentleman from Massachusetts. [Laughter.]

Mr. THAYER. Will you answer that question?

Mr. GROSVENOR. Let me read what I undertook to read some time ago. I will read it, if the Lord spares me, if it takes a couple of weeks. [Laughter.]

Mr. THAYER. You are imitating TILLMAN. [Laughter.]

Mr. GROSVENOR. Not with a pitchfork. [Laughter.] On that very identical question we have presented here, the right to come and demand, in the language of the gentleman from New Mexico, to come and shake your fist in the face of Congress and demand as a right, vested somewhere and by somebody, that you are to be admitted into the Union. That was the question in the Dakota case, after we had succeeded in pulling it through the House of Representatives and it got over into the Senate. I do not remember whether it was a Democratic Senate or not.

Mr. RODEY. Did the gentleman ever admit—

Mr. GROSVENOR. I am going to read this paragraph.

Mr. RODEY. I desire to ask the gentleman if he will not yield to a question?

Mr. GROSVENOR. Well, go ahead.

Mr. RODEY. You will admit that the Dakotas did not have a treaty like the treaty of Guadalupe Hidalgo, with a specific provision that they should be admitted some time?

Mr. GROSVENOR. Just as binding as the treaty of Guadalupe Hidalgo.

Mr. RODEY. Where did it come from?

Mr. GROSVENOR. It was inherent in their admission as one of the Territories of this Union.

Mr. RODEY. But is not the specific provision that we shall come in, and be admitted at some time—is not that something in addition to the inherent right of the Dakotas?

Mr. GROSVENOR. If you admit the argument of the gentleman from Tennessee, which I do not, in the language of Justice Taney, of the Supreme Court of the United States, that there is no power in the United States to acquire territory only for the purpose of making them States, which I, of course, do not admit, and which I deny, the gentleman has placed himself upon that, and that is the position which you must occupy before you can demand anything at the hands of Congress. You do not stand, therefore, upon any higher ground because of the difference growing out of the treaty of Guadalupe Hidalgo than did the Territory of Dakota, which was acquired for a State. Now, if the gentleman will look at the treaty between the United States and France, under which we acquired the Louisiana purchase, he will see that the people of North Dakota and South Dakota stood upon rights quite equal in all respects with the people in New Mexico, barring the section to which you refer and to which I will come directly.

Mr. RODEY. I will state to the gentleman right here that I do not think that the agreement under which the Dakotas were made a part of that purchase gives them any less rights than the treaty of Guadalupe Hidalgo.

Mr. GROSVENOR. Well.

Mr. RODEY. But do you deny that the people who organized and constituted the Territory, who then resided in it, were assured that at a time to be determined later on by Congress they were to be admitted to the enjoyment of all the privileges of citizens of the United States?

Mr. GROSVENOR. I am coming to that treaty in a moment. I shall not dodge anything if I can help it. I was discussing

here and I shall pick up here for the third or fourth time the identical question which the gentleman from Massachusetts and the gentleman from New Mexico spoke about—precisely the idea here that was discussed in the Dakota case, and which was insisted upon at that time by one side of the House and sturdily denied on the other side of the House; and Mr. VEST, of Missouri, one of the ablest lawyers in the Senate to-day, barring the consideration of his feeble health, took issue with the gentleman from Vermont in the idea referred to, and utterly denied that the people of the Territory had any right to demand anything at the hands of Congress, and argued it plainly and thoroughly, that it was simply a question of grace upon the part of Congress to admit a Territory or prescribe as they might the terms upon which it should come in, and then, in order to fortify himself, he turned to the declaration of the gentleman himself, and here it is:

There is no inherent right in the people of any Territory to be constituted into a State. Congress may never organize a Territory at all; it may never dispose of its public lands there; when organized it may keep it in the perpetual condition of a Territory if it pleases, because all the considerations which govern such questions are considerations which merely appeal to the ordinary legislative discretion of the lawmaking power, and therefore every circumstance and consideration which enters into the fitness of the thing itself which is proposed to be done is a matter that we have no right to set aside.

Now, that is the doctrine laid down by the distinguished jurist of Vermont, Senator Edmunds, and which was stated with approval by Mr. VEST, of Missouri, and I say has been the law unquestioned of this country from the day that the thirteen States of this Union prescribed that Congress might provide for the admission of States into the Union. Therefore the whole argument made yesterday does not come up to the question of fitness and propriety and discretion, and falls to the ground.

The treaty of Guadalupe Hidalgo was made between the Government of the United States and the people of Mexico. As a matter of course, the people of the ceded territory acquired, by comity at least, the rights that have been stipulated between the Government of Mexico and the people of that territory. Now, the argument is made that because of the language of the treaty there is some special claim that takes out of the rule laid down by Judge Edmunds the people of that territory and gives to them a better right to come into the Union than the people of the territory acquired under other circumstances.

Now, let us see how long that argument will bear investigation. In the first place this treaty was made in 1848. Construction, action, things done under acquiescence, cut a great figure in construing the language of documents or contracts of every character, and especially a document the character of which is a treaty between two countries foreign to each other.

The language of the treaty, which I will get directly, I hope, confers upon Congress, and Congress alone, the power to say when this Territory shall come into the Union as a State. Now, what has been the conduct of the contracting parties? We have never heard a word of complaint from Mexico, and doubtless Mexico, it will be said, had no power to complain. We have stipulated certain things, not alone the introduction into the Union as a Territory, but the question of the right of a Mexican to withdraw and expatriate himself from that Territory, and the right to stay there for a year, I think it was, and exercise his right of choice at any time during the year. We had a great many other things of that character—providing for religious freedom and for taxation and for a great many other things that enter into treaties—and it was stipulated that this Territory should be admitted into the Union, the language being in effect "when Congress saw fit to do it." Now, what has been the construction put upon the language of that treaty by Congress itself? Well, it is enough to say in the start that it has been fifty years since that took place, and men have come and men have gone, and yet that Territorial condition has gone on, not forever, but for fifty years.

Congress has exercised the right, and it has come to be the law of the United States in its treatment of New Mexico, that New Mexico had no voice in fixing the time when she should be admitted into the Union. Congress has acted upon that for fifty years; acted under a strict treaty stipulation that clearly gave to Congress the power and the discretion of acting as it did act, and it is too late in the day now to come here and say that Congress is bound by that treaty stipulation and that the time has now come.

Now, that is all I wish to say on that subject. I do that to defend both Democratic and Republican Administrations, for during this period of fifty years we have had Democratic Presidents and Republican Presidents, Democratic Congresses and Republican Congresses, and they have made a history of construction, a record of construction, of that language of the treaty which can not to-day be upset by any appeal to the judgment of Congress to override the history of the country for the past fifty years.

Mr. RODEY. May I ask the gentleman a question?

Mr. GROSVENOR. Well?

Mr. RODEY. Is the gentleman aware that the State of Arkansas, when it came into the Union, at first attempted to get in by adopting a constitution straight out, and stated that it required no enabling act to have it admitted under the treaty of the Louisiana purchase?

Mr. GROSVENOR. How did she get along? Did she get in?

Mr. RODEY. Congress thought it better to pass an act, I think.

Mr. GROSVENOR. We have had a good deal of that, and, coming down to facts, all the Territories of the United States are property of the United States and subject to the will of the United States, as expressed in Congress. There is no power, either in the treaty or the law, to control the discretion of Congress in that behalf.

It is very clear from the language of the treaty that it was intended that there should be a discretion exercised by Congress; because if that had not been the purpose and intent of the treaty, it would have been declared in plain words that this Territory should be admitted into the Union as a State at once. A gentleman near me has very kindly furnished to me the text of the treaty, and I will read it:

The Mexicans who, in the Territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted at the proper time, to be judged of by Congress, to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution, and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion, without restriction.

There was the old doctrine that made its appearance within the knowledge of our commissioners that under no conditions would they stipulate that any country or territory could come knocking at the door of this political corporation, the United States, and demand membership in that corporation, without the agreement or consent of Congress. And so they were careful to say that the "proper time" should be "judged by Congress," exercising a reasonable discretion to be decided by the majority of the people of the United States, acting through their legitimate representatives.

Now, then, Mr. Chairman, I have not discussed the merits of this bill, because I have been trying to answer these arguments which were put forth here yesterday—arguments which upset all the bases upon which legislation and treaty had before been established—which overturned the action of Congress declared over and over again—arguments which nakedly hold that the people of a Territory have the right to come and demand admission into the Union by virtue of a stipulation in a treaty or upon some other ground, of which they themselves are to be the judge.

Let me say to you, gentlemen, that whatever may be the result of this issue, the Congress of the United States fixes the terms of the admission of States into the Union. Our Union is a political corporation made up originally of thirteen States, and no State has ever been admitted into this political corporation except with the consent and by the act of the legally constituted agent of that corporation. No Territory has any more right to demand admission into the Union than has any other body of men anywhere on the earth, as a matter of political or legal right. The whole question turns upon what is the proper, what is the right thing to do under all the circumstances.

Population has a great deal to do with the case.

Mr. GROW. Will the gentleman allow me to bring to his attention a decision of the Supreme Court of the United States on this point?

Mr. GROSVENOR. I am very glad to yield to the gentleman for that purpose.

Mr. GROW. I do not remember the name of the case, but when Judge Nelson was on the bench that court, in an opinion written by him, decided that the inhabitants of the Territories of the United States hold their political rights as franchises in the discretion of Congress.

Mr. GROSVENOR. That is it, and that has been the law of our country from the beginning down. It has never been disputed in my hearing on the floor of Congress until yesterday.

Mr. RODEY. One other question, if the gentleman pleases. Does the gentleman contend that under that language of the ninth section of the treaty of Guadalupe Hidalgo Congress, no matter how well fitted New Mexico and Arizona may be, can keep them out of the Union forever without violating that provision of the treaty?

Mr. GROSVENOR. That question answers itself. Congress can do anything that you can not compel it not to do.

Mr. RODEY. That does not answer my question.

Mr. GROSVENOR. Suppose Congress should go on for another fifty years and continue to refuse admission to New Mexico,

can you force Congress to take such action? Is there any writ of mandamus that can operate in such a case?

Mr. RODEY. I did not ask that question. I asked whether or not, in the gentleman's opinion, it would be a violation of the ninth article of the treaty of Guadalupe Hidalgo for Congress in that way to refuse admission to New Mexico and Arizona?

Mr. GROSVENOR. It certainly would not.

Mr. RODEY. No matter how well fitted the people of those Territories might be for admission?

Mr. GROSVENOR. That is a question for Congress to decide, and there is no appeal from that decision. The trouble with my friend is that he has an idea—and the gentleman from Massachusetts [Mr. KNOX] laid down that proposition—that Congress is merely a sort of agency that can be coerced in some way to do a thing which is in fact left to their own discretion, there being no power on earth that can affect their discretion.

Mr. KNOX. Will the gentleman allow me a question? Has he not confused the question of legal right with the question of moral right? Does he claim that in my address yesterday I maintained that a Territory has a legal right to insist upon admission to the Union upon its own application?

Mr. GROSVENOR. I do not know that the gentleman used the words "legal right."

Mr. KNOX. Have you not set up a man of straw for the purpose of knocking him down?

Mr. GROSVENOR. I am glad the gentleman is getting a little tired of that straw man.

Mr. KNOX. Oh, no; I refer right to my speech.

Mr. GROSVENOR. The gentleman never made any such distinction, and the gentleman will find in the notes of his speech when he gets them—

Mr. KNOX. They are already published.

Mr. GROSVENOR. That he uses the word "rights," and he does not draw any distinction between a legal and a moral right.

Mr. KNOX. The very fact they are here asking for admission shows the legal right. What is the use of arguing that?

Mr. GROSVENOR. Shows what?

Mr. KNOX. Shows that they can not get admission without the act of Congress. What is the use of arguing a proposition of that kind? Everybody concedes that.

Mr. GROSVENOR. That is what I thought all the time that the gentleman was speaking yesterday.

Ms. KNOX. I never made any such claim and no one can draw any inference from my remarks. We claim they have the moral right to be admitted under the language of the Constitution, and I do not believe there is a man on the floor misconstrued my language, and I do not believe you did.

Mr. GROSVENOR. I will take occasion, if the House does not object to it, to criticize and analyze the argument of the gentleman on that very point. Let us see where the moral right comes in. That is the weakest spot in the whole of the gentleman's argument. That is fallacious beyond my power of description. A political right now is sought to be asserted, the right of a State to come into the Union and force itself into the councils of a great nation and be put upon an equality with the other States in the power that it has in the Senate of the United States, and that now is called a "moral" right.

Mr. RODEY. Will the gentleman permit me another question?

Mr. GROSVENOR. It is a moral right to override a political question and to do away with the necessity of a legal right. Why, the argument of the gentleman falls to the ground in a moment. What moral right has a man to come and ask a favor, and if a man has not a right to come and ask a favor from another that is based on no consideration, what right has a Territory to come, when they are themselves organized under the provision of the Constitution of the United States that says that Congress alone shall admit States into the Union—what right have they to come here and assert a moral right that is solely addressed to the discretion of Congress?

Mr. KNOX. Does not the gentleman agree that a man may have a moral right and something which he can not get without the action of the power which confers it? And does not the gentleman see the distinction?

Mr. GROSVENOR. No; it is not plain to me.

Mr. GILLET of Massachusetts. If there is a moral right, when did it begin? If there is a moral right, was there a moral right forty years ago?

Mr. GROSVENOR. Of course.

Mr. GILLET of Massachusetts. At what particular time did that moral right cease?

Mr. GROSVENOR. Morals ripen with age. [Laughter.]

Mr. RODEY. I would like to ask the gentleman a question. When the treaty of Guadalupe Hidalgo was made, was it not made with reference to the 60,000 citizens of Mexico that were then in the territory?



Mr. GROSVENOR. I suppose so.

Mr. RODEY. It is reasonable to suppose that the Mexican Government, which was one of the contracting parties, and the people left in New Mexico believed that they would have to wait, under the terms of that article that you have just read, until all of those citizens living in the land then ceded to this country died before getting the rights given by that section.

Mr. GROSVENOR. I suppose they have nearly all died.

Mr. RODEY. Yes; they have died without their rights being granted, owing to the neglect of this Government, but can that section of the treaty be so construed as to mean that?

Mr. GROSVENOR. Yes.

Mr. RODEY. Well, that is a doctrine that what little intelligence I have prevents me from subscribing to.

Mr. GROSVENOR. It has been construed by the only power that can construe it. There is the trouble. It has been construed for fifty years by the power that your grantor agreed should be the power to construe it.

Mr. RODEY. Then does the age of a wrong make it a right?

Mr. GROSVENOR. I am not talking about your moral wrongs or your moral rights.

Mr. RODEY. I thought you were.

Mr. GROSVENOR. There is the position you find yourself in. Your grantor has stood by for fifty years while that power that was charged with the discretion in the case has held distinctly that they would not admit this Territory into the Union, and your people had the right for a year with their eyes wide open to leave that Territory and not become citizens of the United States, if they saw fit to do it, and they stayed there for a year and they bound themselves to recognize the discretion vested in Congress, that Congress might act when it got ready, and I deny that upon a question of politics, a question of the political rights of a State, and the political relations between a State and a Territory, there is any question of moral right that can rehabilitate a broken reed of a political claim. I agree with John Bright that the moral law applied to the conduct of nations as well as to the conduct of individuals. But the maxim does not apply here.

Mr. RODEY. Then why do you not vote for its enforcement on the part of the United States here?

Mr. GROSVENOR. Because I deny that you have any such moral right.

Mr. RODEY. You deny that the ninth article of the treaty means anything?

Mr. GROSVENOR. It means just what it says.

Mr. WILLIAMS of Mississippi. Is the discretion vested in Congress an arbitrary one?

Mr. GROSVENOR. It is one that can not be controlled.

Mr. WILLIAMS of Mississippi. Of course it can not be controlled.

Mr. GROSVENOR. My friend is a lawyer. It is a vesting of a discretion without any power to control it.

Mr. WILLIAMS of Mississippi. There is no doubt about that; but does the gentleman think that it ought to be arbitrarily exercised?

Mr. GROSVENOR. That answers the whole of it. If there is no power to control it and Congress itself will not act, then the presumption—the strong presumption and the reasonable presumption—is that Congress has acted wisely for fifty years.

Mr. WILLIAMS of Mississippi. Does the gentleman mean that an uncontrolled discretion is a wise exercise of it?

Mr. GROSVENOR. Not at all; but every case stands on its own bottom, and when it is a question of the introduction of a political factor into a political corporation that corporation has a right to act, and its discretions can not be challenged by the man who wants to come in.

I was going on to say that the question of population and availability for future settlement strongly affects the question of the propriety or the nonpropriety of the introduction of these new States into the Union. Actuated upon this ground, while I believe and think I know that the Territory of Oklahoma would come into this Union as a Democratic State and will send two Democratic Senators and two Democratic Representatives—and I have it from an authority that knows more about it than my friend from New Mexico [Mr. RODEY], many times more, that I am absolutely right in that judgment—yet, notwithstanding all that, under the circumstances of the rapid growth of that Territory, the splendid results that have grown out of the emigration into that Territory of a great body of capable and competent citizens, the fact of her wealth of soil, and especially the rapidity of her growth, I would cheerfully join to vote for a single bill for the admission of Oklahoma into the Union and stand my chances to be criticised, even if the growth of Democratic power should be thereby enhanced.

But, Mr. Chairman, as far back as the admission of Ohio into the Union, that my friend says was never resisted, as far back as the organization of the Northwest Territory, wise men from the

East—quite as wise but no wiser than the gentlemen who come from the East here now—called attention to the growing disparity of numbers in the Senate of the United States.

A section of this country has the right to discuss that mighty question. You admit to-day six Senators into the Senate of the United States, whether they be Republicans or Democrats, and you have added power to the west of the Missouri River that, in the Senate of the United States, gives substantial control of the Government of the United States, and you do that without creating any equivalent power in the representative branch of the Government. You will have for each State 2 Senatorial votes in a body of 90; you will have 6 Senatorial votes added to a body of 90, while you have but 4 Representative votes in a body of 384, and with the piling up in that section of the United States of political power that can control and govern this Union in spite of all the protestations that you can make. Now, it may be that there will be—

The CHAIRMAN. The time of the gentleman has expired.

Mr. KNOX. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended fifteen minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from Ohio may be extended fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. Now, I was saying that it might be—taking up the thread of my thought at the point I laid it down—that these new States and Territories, with these new Senators from those States, might wisely govern the country; but, speaking for a representative body of constituents in the great center of this Union in point of population and of wealth, I say that we have a perfect right here, and it is demanded of us here, in the popular body of the country, not to make haste to strip the East and the center of its political power and turn it over.

Now, there have been complaints made against these States that have come into the Union that they did not do exactly as we thought and hoped they would do; but in God's good time they are getting around all right, and I think will satisfy the people of the country upon some of the questions before the country. But these are political questions about which the people of the United States have a right to be heard and their judgment taken upon so important a question as adding six Senators to the body already constituted.

Now, take this population. Take the population of New Mexico and Arizona—about 250,000, or, if you please, 400,000, a little over the ratio of a single Representative in Congress. We give them two Representatives through this bill. That is not unreasonable. Every State ought to have a Representative; but when you give to them four Senators, equal in political power with the great States of New York and Pennsylvania in the Senate of the United States, upon what ground do you do it? Upon the ground of growth in the case of Arizona; upon the ground of growth of the Territory of New Mexico?

Why, the very argument of the gentleman destroys its own force. For fifty years it has stood, as my friend from Massachusetts has described with great eloquence, as to the richness of that country. Did he make a discovery in richness, or what have the people of the United States been doing as to the splendid soil, the magnificent rivers, the great mineral wealth, and its capacity of production of wool? Have the people of the United States been blind all these years as to that? And yet right through that railroads run, right through it the lines of the great transcontinental railroads run, and yet we find the Territory of Oklahoma, that has been constituted within the past ten years, double, more than double, the population of both of these Territories. How does it happen that these Territories are valuable? Look at the State of Nevada.

Now, the gentleman from Nevada, to whom I will refer, and although he is not present, I shall certainly say nothing unkind about him; a gentleman of great power, of great representative capacity, has never said a word in favor of Nevada's greatness on the floor of the House that was not doubled and quadrupled when she came into the Union; and yet, with six counties in my Congressional district, I have got more people in one county than the State of Nevada has to-day. What is to be predicated of the history of New Mexico and Arizona; what is to be predicated except that they will never be any better, in any considerable amount of population, than they are now. I say nothing against them. They have worked out under all circumstances great results, but they have been handicapped by the conditions that a man, one of the chief men in Mexico, who uttered the sentiment that he was rejoiced that the United States was so thoroughly satisfied with a piece of worthless territory. Fifty long years, and that population is 350,000. How many of them are there—the men of 1848 and their descendants—I do not know; but I will assume in Arizona and in New Mexico 50 per cent of the people there to-day, a much larger per cent in New Mexico, and a smaller one in

Arizona, aggregating about 50 per cent of the population of both of those Territories, were there in the Territory at the time of the cession, or are the descendants of Mexicans who were there.

Mr. SMITH of Arizona. Where does the gentleman get any such information about Arizona? The gentleman is making such a reckless statement that I can not help interrupting him.

Mr. GROSVENOR. Will the gentleman from Arizona tell me how many natives and descendants of the people who were there at the date of the treaty there are in the Territory to-day?

Mr. SMITH of Arizona. I do not know; there were none at the date of the treaty, or very few, and very few to-day.

Mr. GROSVENOR. Then, my friend has been arguing about a political right vested in nobody.

Mr. SMITH of Arizona. The gentleman made a statement recklessly, and one he must not have considered, when he speaks about there being anything like 40, 30, or 20 per cent of the people of Arizona who are descendants of those people.

Mr. GROSVENOR. The gentleman can come forward with his figures and demonstrate it if he can. I have said it was an estimate. Let us see how they stand together. The gentleman from New Mexico [Mr. RODEY] has argued that it became a vested right of a great body of people, by the language in the treaty, who have the right to come here and assert and demand admission into the Union. He is speaking of New Mexico. Now, the gentleman from Arizona arises and, resisting that statement, suggests that there was nobody in Arizona at the time.

Mr. SMITH of Arizona. I am not resisting anything that the gentleman from New Mexico said, nor am I bound by what he said. I am trying to relieve this House of the statement which the gentleman from Ohio made and which he has no proof of.

Mr. GROSVENOR. I made no statement that I claimed to have proof of. I said presumably 50 per cent of the present population of the two Territories put together were either men that were there at the time of the treaty or descendants of those people.

Mr. SMITH of Arizona. And that was pure presumption.

Mr. GROSVENOR. Certainly; and I said it was.

Mr. RODEY. And there are not over 30 per cent of that population in New Mexico to-day.

Mr. GROSVENOR. Very well, take it at 30 per cent and nothing for Arizona. Take nothing from nothing and not very much remains. [Laughter.]

Mr. RODEY. And they are as good citizens as can be found in any State in the Union.

Mr. GROSVENOR. There is no doubt about it. The gentleman will get their votes and he need not repeat it. He has been a faithful representative. [Laughter.]

Mr. STEPHENS of Texas. Will the gentleman from Ohio let me read a statement as to the population of Arizona?

Mr. GROSVENOR. I should be glad to have him.

Mr. STEPHENS of Texas (reading):

The population of Arizona, from the best obtainable statistics, school census, number of school children, etc., is 175,000. This population has a greater proportion of native-born inhabitants than probably any other subdivision of the United States.

The statement of the gentleman from Ohio was that there were only 250,000 in the two Territories.

Mr. GROSVENOR. Something like that. I have the census to support my statement.

Mr. STEPHENS of Texas. Arizona has a population of 122,221 and New Mexico 195,000.

Mr. GROSVENOR. Very well. How wide of the mark is that?

Mr. STEPHENS of Texas. That makes over 300,000.

Mr. GROSVENOR. Very well; call it 300,000.

Mr. PAYNE. And 125,000 of that 300,000 are Indians untaxed.

Mr. GROSVENOR. Yes; and can not vote. They paid their figures and come at me because I have not mine here. [Laughter.] Now, the gentleman from New Mexico says that not over 30 per cent of the citizens of New Mexico were there at the time of the treaty, or their descendants.

Mr. RODEY. Yes; but not that many of them live there now.

Mr. GROSVENOR. But they have had children. Babies grow there, do they not? [Laughter.]

Mr. RODEY. They do not constitute over two-fifths of the whole population at the present time, and they are as good citizens as live anywhere in this nation.

Mr. GROSVENOR. Two-fifths; then my figures turn out pretty well. Now, I have said nothing against the citizens. I think a great deal of your mixed race down there. You had one of them here, and a very efficient and valuable representative of your Territory, and I am very fond of him.

Mr. RODEY. I am glad to hear you say so.

Mr. GROSVENOR. But what I was arguing was to show how few people, with all this Arcadia and Garden of Eden that the gentleman from Massachusetts spread out, has in fifty years gone out to this particular Territory.

Mr. RODEY. Does not the gentleman know that for many

years they were a thousand miles from railroads, with Indians depredating on them, being neglected by Congress, and that Congress failed for half a century to settle their land grants, and that anybody that settled there might expect to have a Spanish claim turn up against him as to his land any day? Is not that a reason for slow development?

Mr. GROSVENOR. How much have you grown within the last ten years?

Mr. RODEY. We have gained about 177,000 in population in that time.

Mr. GROSVENOR. What was your population in 1890?

Mr. RODEY. One hundred and fifty-three thousand.

Mr. GROSVENOR. How large is it now?

Mr. RODEY. Three hundred and thirty thousand.

Mr. GROSVENOR. By the census?

Mr. RODEY. No; by the actual fact.

Mr. GROSVENOR. Oh, actual fact. [Laughter.] I have lived in a country where they have had actual facts. Now, the gentleman from New Mexico is trying to get me to abuse the people of that Territory. I am not going to do it. What I am saying is that the Territories of Arizona and New Mexico have demonstrated in fifty years that there will never be a population that will be respectable in point of density throughout that vast territory, and we shall have two more "rotten boroughs."

Mr. RODEY. I will state to the gentleman—

Mr. GROSVENOR. I can not yield further—

Mr. RODEY. Only one more statement and I shall be through. I wish to state to the gentleman that the Rio Grande Valley and the Pecos Valley in New Mexico are, when properly brought under cultivation, capable of supporting a more dense population than the State of Massachusetts.

Mr. GROSVENOR. The people of the United States are pretty wide-awake to find out those places on this continent which are "capable of supporting a dense population;" and they have rushed into Oklahoma at a ratio that is surprising and gratifying, while they have gone past the Territory of New Mexico and settled over on the Pacific slope.

Mr. RODEY. Because Oklahoma has good land, where irrigation is not necessary.

Mr. GROSVENOR. That is just it; Oklahoma has good land.

Mr. RODEY. Where irrigation is not necessary. The people will go to such a country first every time.

Mr. GROSVENOR. Mr. Chairman, I would vote for the admission of Oklahoma. I believe it would have been admitted upon a single bill. I would vote for it now upon a single bill, and I will vote for its admission if the amendment proposed by the gentleman from Arkansas [Mr. McRAE] should carry. But I will not vote to load upon the shoulders of Oklahoma the admission into the Union of the two Territories of Arizona and New Mexico. Nor do I believe it is wise to do it. I believe it will defeat the bill for the success of the Oklahoma bill, and I put my decision largely—I do not deny it—upon the ground that in my opinion such an admission would be a disturbance of the political and industrial equilibrium of the people of the United States. I do not go so far as to apply in this case the maxim which I have operated upon for a good many years, "find out what your enemy wants and then do the other thing." I do not apply that maxim here; but I do act upon this proposition, that the introduction of new States into this Union is a political question, and the unanimous vote of the Democratic caucus justifies my statement. In my judgment the time has not come when it is wise and beneficial to the political corporation to which we belong to introduce new members representing those two Territories, and if they continue to be included with the Territory of Oklahoma in this bill I shall be compelled regretfully to vote against the measure. [Loud applause.]

Mr. KNOX. I move that the committee rise informally.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEMENWAY reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States, and had come to no resolution thereon.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3439) to amend an act entitled "An act to license billiard and pool tables in the District of Columbia," and for other purposes.

The message also announced that the Senate had passed the following resolutions:

Whereas the Senate having heard with profound grief of the death of Rear-Admiral William T. Sampson, United States Navy, which occurred in this city May 6, 1902: Therefore,  
Resolved, That a committee of five Senators be appointed by the Presiding



Officer to join such committee as may be appointed by the House of Representatives to attend the funeral as a mark of respect to the memory of the deceased officer.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives.

And that in compliance with the foregoing the Presiding Officer had appointed as said committee Mr. PERKINS, Mr. GALLINGER, Mr. QUARLES, Mr. MARTIN, and Mr. MALLORY.

The message also announced that the Senate had passed the following resolution:

*Resolved*, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed copy of the bill (S. 4294) providing that the statutes of limitations of the several States shall apply as a defense to actions brought in any courts for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians.

#### DEATH OF REAR-ADMIRAL SAMPSON.

Mr. DAYTON. Mr. Speaker, in view of the action of the Senate touching the death of Rear-Admiral William T. Sampson, I desire to ask for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Whereas the House of Representatives has heard with profound regret of the death of Rear-Admiral William T. Sampson, which occurred in this city on the 6th instant; and

Whereas the Senate of the United States has appointed a committee to join a committee of the House in attendance upon the funeral services:

Therefore, as a mark of respect for the deceased, and as a tribute of esteem for his distinguished services to the nation,

*Be it resolved*, That a committee of seven members be appointed to join the committee appointed on the part of the Senate to attend the funeral of the deceased.

The SPEAKER. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to; and the Speaker announced the appointment of the following-named members as the committee on the part of the House in pursuance of the resolution: Mr. DAYTON of West Virginia, Mr. PAYNE of New York, Mr. GROSVENOR of Ohio, Mr. WATSON of Indiana, Mr. MEYER of Louisiana, Mr. HOOKER of Mississippi, and Mr. BARTLETT of Georgia.

#### ADMISSION OF OKLAHOMA, ARIZONA, AND NEW MEXICO.

On motion of Mr. KNOX, the House again resolved itself into Committee of the Whole on the state of the Union and resumed the consideration of House bill 12543, Mr. HEMENWAY in the chair.

Mr. SMITH of Arizona. Mr. Chairman, I rise to a parliamentary inquiry. As I understand, when the House went into Committee of the Whole on the state of the Union it was agreed that the general debate on this bill should close at 3 o'clock to-day. A question arose yesterday as to the division of the time. I now find that the time consumed yesterday by speakers who were not for the bill as it stood has probably been credited to the advocates of this bill. May I ask the Chair how much time is left for the advocates of the bill?

The CHAIRMAN (after a pause). The time used for the bill has been two hours and forty minutes, and the time used against the bill one hour and thirty-three minutes. The time occupied by the gentleman from Arkansas is counted as a part of the time against the bill.

Mr. SMITH of Arizona. In view of the announcement of the Chair, the time still remaining for the advocates of the bill is shortened beyond what I had expected. I had thought that the time occupied to-day would be equally divided. I therefore ask unanimous consent that the Delegate from Oklahoma [Mr. FLYNN] and the Delegate from Arizona, who are of necessity more interested in this measure than others, and who, it is to be presumed, know as much about the facts in this case as anybody else, be allowed the remainder of the time on behalf of the bill, the time to be equally divided between them.

The CHAIRMAN. Unanimous consent is asked by the gentleman from Arizona that the remaining time be divided between himself and the gentleman from Oklahoma.

Mr. PARKER. I do not want to make any objection—

Mr. SMITH of Arizona. There will be opportunity for debate under the five-minute rule.

Mr. GAINES of Tennessee. I wanted to read three or four lines from a decision of the Supreme Court showing that the position of the gentleman from Ohio [Mr. GROSVENOR] is entirely wrong.

Mr. SMITH of Arizona. You can do that under the five-minute debate.

Mr. GAINES of Tennessee. Very well; I make no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona? The Chair hears none, and it is so ordered.

[Mr. SMITH of Arizona addressed the committee. See Appendix.]

[Mr. FLYNN addressed the committee. See Appendix.]

Mr. PARKER. Mr. Chairman, it is with hesitancy that I attempt to speak after listening to the splendid oration of the gentleman from Oklahoma [Mr. FLYNN]. He need not fear that Oklahoma exercises no influence upon the House of Representatives and the Government of the United States. When a Territory sends a man of talent like my friend, who combines the two Senators and a Representative in one, and whose policy can not be divided, he carries a power in this House and in the other that is exercised by no other man. But I deny the statement made by himself and the gentleman from Arizona [Mr. SMITH] that they are the men most interested in this measure. No.

The whole people of the whole United States are the most interested in that wonderful balance of power created by our forefathers in the House and in the Senate. The Constitution guarantees to the Senators an equal representation from every State. How better could you destroy that equal representation than by a measure which, as far as Arizona is concerned, with less than 100,000 of population, excluding Indians, would be in its effect like creating two States with four Senators out of any district represented in this House.

In creating new States we owe it to the people to preserve the balance of the Government. There are in this country, in the 45 States, 74,000,000 people in round numbers (74,607,225). The average for each State is over 1,650,000 (1,657,938). It is now proposed to make three States out of territory containing altogether (besides Indians not taxed) less than 700,000 people, or less than one one-hundredth of the present population of the whole Union. To that territory it is proposed to give six Senators, equal to one-fifth of the entire Senate.

That is not all. This territory as a whole extends from the watered lands of the East to and beyond the Rocky Mountains. Beginning with the young giant, Oklahoma, of which my friend [Mr. FLYNN] has just spoken, which, taking its start only thirteen years ago, contained in 1900, eleven years after its inception, nearly 400,000 people (398,331), the territory as a whole, comprising Oklahoma, New Mexico, and Arizona, running on substantially the same line of latitude, extends west through what was known as the Great American Desert to and beyond the summit of the Rocky Mountains. It reminds one very much of the State of Texas, which in the east and for several hundred miles back from the Gulf is well watered and contains good agricultural farming land, but afterwards in the interior runs into desert. Of this great territory we have made only one State, having something over 3,000,000 population.

Mr. Chairman, it is 3 o'clock, and as I yielded my right to the floor I will ask the gentleman in charge of the bill whether I may proceed now for ten or fifteen minutes, or whether I shall do so under a motion to amend after the first section has been read.

Mr. KNOX. I will yield to the gentleman fifteen minutes.

The CHAIRMAN. The Chair will say to the gentleman from New Jersey that the House has fixed the time for general debate to close. The gentleman can secure time under the five-minute rule.

The Clerk read as follows:

*Be it enacted, etc.*, That the inhabitants of all that part of the area of the United States now constituting the Territory of Oklahoma as at present described may become the State of Oklahoma as hereinafter provided.

Mr. PARKER. I move to strike out the last word.

Mr. McRAE. I have a substantial amendment which I desire to offer. I do not wish to lose my opportunity.

Mr. PARKER. I hope the gentleman will have an opportunity to offer his amendment.

Mr. McRAE. I must insist that I do have the opportunity.

Mr. PARKER. There is no question about the gentleman's right.

The CHAIRMAN. The gentleman will be recognized to offer his amendment after the gentleman from New Jersey has concluded his remarks.

Mr. PARKER. I should like to have fifteen minutes by unanimous consent, if I may be allowed.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that he may be allowed to proceed for fifteen minutes.

Mr. KNOX. How much time does the gentleman from Arkansas want?

Mr. McRAE. Mr. Chairman, I desire to offer an amendment in good faith, and we have reached the point where it is in order. I do not want to lose the opportunity to do it.

Mr. KNOX. I do not wish in any respect to cut off the right to offer amendments.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey that he have fifteen minutes to discuss his amendment to strike out the last word?

There was no objection.

Mr. PARKER. Mr. Chairman, as I was saying, there is a good deal of likeness between this Territory and that of Texas, although the population is so much less. There are 265,780 square miles in Texas, and there are 274,630 square miles in this Territory as a whole. There are 3,000,000 people in Texas (3,048,710). There are less than 700,000 in this Territory as a whole (total, 716,572; less Indians, 51,371; balance, 665,201). The growth, as in Texas, has been in the eastern and southeastern part, where it is watered. If the proposition were to put all these three Territories into one State, I would say, "Amen;" but when you propose to take Arizona and New Mexico and Oklahoma and to make three States, you might much better divide my little State, which contains over 2,000,000 people, into three States in order to make six Senators.

Mr. GAINES of Tennessee. How many people did it have when it was made a State of the Union?

Mr. PARKER. I could answer questions, but I have no time to do so. There is no difficulty in answering such questions.

Mr. GAINES of Tennessee. Well, how many did it have? I should like to know.

Mr. PARKER. It contained 184,000 people, out of over 3,000,000. That was about one-fifteenth.

Mr. GAINES of Tennessee. There are over 300,000 people in one of these Territories.

Mr. PARKER. We had our proportion. I am talking of the balance of the Senate. There are 90 Senators, represented by 400 members of this House, under the new apportionment, and you propose by this bill to add to the Senate six Senators, which is out of all proportion to the addition to the House of Representatives. As to Arizona, I have been there. I remember the country through which I passed—the great sage-covered plains, broken by rocky mountains, islands in the middle of those plains, or by canyons absolutely bare and desert, except where little rivers ran in the narrow valley at the bottom of the canyon.

I believe there are better parts of Arizona, but let us look at the census. We can deal with nothing else: In 1900 Arizona has less than 100,000 white population. Its growth, as shown by the census, was 39,930 in white population during the last ten years, and that is all. By the census of 1890 it contained slightly over 1,200,000 acres (1,297,233) of lands fit for farming, which is not much over 1,800 square miles. It has 113,939 square miles of territory, or 73,000,000 acres, and one acre in a hundred only is fit for cultivation. Of that million of acres, 104,000—I do not give the extra figures—or only one-tenth of that fit for cultivation, was cultivated.

The committee report shows that agricultural lands must be irrigated, and that by storing the water they could double that amount. One hundred thousand acres is only a hundred and fifty square miles—say, 12 or 13 miles each way—and with these prospects of development it is proposed to make Arizona into a State. Arizona had 104,000 acres under cultivation, Rhode Island had 274,491 acres, and every other State, except in the Rockies, had from one to twenty-five million. Colorado had 1,823,920, and even Montana, Wyoming, Utah, Nevada, and Idaho had from 475,000 to 915,000 each.

Our Government is organized on the theory of preserving a balance of power between the several States in the Senate and this House.

The Senate represents independent States. Their votes are to be equal. But if we "colonize" the Senate by giving the votes of two Senators to any 100,000 people, what becomes of the equality of the States?

Let us take up the case of New Mexico. The statements made in the census are the only ones that we can really trust. New Mexico was not founded ten years ago, like Oklahoma. It is one of the earliest settlements of the United States. It was explored in 1565, or thereabouts, and (I am speaking but by memory) it was settled in the latter part of the sixteenth century, and it has been occupied ever since. The United States during the last decade, from 1890 to 1900, grew over 20 per cent in population. New Mexico grew less than 20 per cent.

Mr. RODEY. We have increased, according to the last census, 27 per cent, and 100 per cent if the former census was correct.

Mr. PARKER. I take the rate from the report of the statistics of population of 1900, on page 4. New Mexico (No. 34) has an increase in population (outside of persons on Indian reservations) of 29,727, or 19.4 per cent. The gentleman can see. Here is the census report.

Mr. RODEY. I have looked at it a hundred times, and it shows 27 per cent, taken even as the census is given.

Mr. PARKER. The census shows only 195,310 people, including 11,990 Indians.

The population of New Mexico has increased only 19.4 per cent, and has now but 184,000 people, excluding Indians, while that of the United States has increased 20.7 per cent. If this shall continue, then that Territory will never have a proper population to be credited with two Senators.

Mr. RODEY. Would you have made that statement with regard to Colorado when it was admitted, and the conditions are practically the same.

Mr. PARKER. I do not believe that the conditions are practically the same, and if you will look you will see that that is so. I can only point out to those who prize their Government as comprehending States equally balanced that they must beware—

Mr. RODEY. Will the gentleman allow me to ask him one question?

Mr. PARKER. I decline to yield.

Mr. RODEY. Just one question.

Mr. PARKER. They must beware of making the Senate resemble a corporation organized with convertible bonds that can be turned into stock for the securing of a majority. I agree with the gentleman from Massachusetts. There is no politics, or there ought to be no politics, in this question. Those on my side of the House are honestly divided; not so on the other side. Let us hope there is no politics in their agreement to this measure, and that no pledge made here or anywhere will deter men whom we respect on both sides of the House from their doing what they think is right for the maintenance of the Constitution of this Government, which depends so much upon the equality of the States under the Constitution.

Territories ought to have more self-government. They ought to have it as Territories. They should have the right to elect their own governor, and in Territories like Oklahoma they should appoint their own judges, just as the thirteen States that came into the Union had been doing for a hundred years before the Revolution, and before they had received any statehood. Let us give them local independence as Territories. Let us not attempt to give two Senators to 100,000 people, for this is an injustice that never ought to be permitted. There ought to be no politics in this.

Mr. Chairman, a good politician in my State, who was a member of an Episcopal convention, was taken to task by a dear old lady because he had not bowed his head in prayer to be guided in the choice. The old lady hoped he would not be offended, and he answered, "Oh, no; I won't be offended, but you know I couldn't very well pray because I have just been in a caucus and agreed how I should vote." Let no pledges in or out of caucus turn us from our duty.

Mr. Chairman, when we are dealing with that sacred thing, the Constitution, let us not pack the Senate with false ballots which do not represent a real State. Let us not number among the States any Territory which not only is not now able to be a State, but never will be, as far as human prophecy can go. I do not say a word against Oklahoma. It is the little giant of the Sierras; it is surpassed only in its history by that great State of Texas. I do oppose this proposition, however, to divide what ought to be one State into three and to add six Senators and three stars to our Constitution out of such a meager showing of wealth, resources, population, and increase. It is one of the mistakes of which we ought to beware.

Mr. McRAE. Now, Mr. Chairman, I ask to have the amendment read which I send to the Clerk's desk.

The Clerk read as follows:

Strike out section 1 and insert the following:

"That the inhabitants of all that part of the United States now constituting the Territory of Oklahoma and the Indian Territory, namely, that section of country bounded on the north by the States of Colorado and Kansas, on the east by the States of Arkansas and Missouri, on the south by the State of Texas, and on the west by the State of Texas and the Territory of New Mexico, may become the State of Oklahoma, as hereinafter provided: *Provided*, That nothing in this act shall be construed to impair any right now pertaining to any Indian tribe or tribes in said Territory under the laws, agreements, or treaties of the United States, or to affect the authority of the Government of the United States to make any regulations or to make any law respecting said Indians or their lands which it would have been competent to make or enact if this act had not been passed and the constitutional convention hereinafter provided for shall by ordinance irrevocably express the consent of the State of Oklahoma that Congress shall retain complete jurisdiction over all lands that belong to any Indian tribes until the same has been allotted in severalty and becomes subject to taxation."

Mr. McRAE. Mr. Chairman—

Mr. LLOYD. Mr. Chairman, to that I make the point of order.

Mr. McRAE. I think the gentleman is too late.

Mr. LLOYD. I have been trying to get the ear of the Chair.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. LLOYD. This amendment, as proposed by the gentleman from Arkansas, is not germane to the bill. I wish to call the attention of the Chair to a decision. I will not take the time to read it, but I will call the Chair's attention to the authority in this case. When they were considering the question of the admission of the Territory of Dakota into the Union, a motion was made to substitute in the place of the bill for the admission of the Territory of Dakota a bill providing for the admission of Montana, Washington, and New Mexico. Mr. BURROWS at that time made the point of order that this amendment would not be germane, and, as I understand it, that is the situation here. This is a bill that



provides for the admission of Oklahoma, and the gentleman from Arkansas offers an amendment which provides that there shall be added to Oklahoma the Indian Territory. That would place it on all fours with the case that I have mentioned, which was thoroughly discussed by the gentleman from Michigan [Mr. BURNETT]. The Chair in ruling on the matter at that time said:

The Chair supposes that a mere technical difference between the two bills would not be material; for instance, a correction of a mere clerical error or something of that sort. But it seems that the proposed substitute now offered by the gentleman from Illinois contains provisions of a substantial character and not contained in the original House bill. The Chair thinks, therefore, that the order does not apply to it and believes that, in accordance with the practice of the House and its rules ever since the House overruled its own decision in the case of California, that this substitute is not in order under the rules. The Chair therefore holds that the substitute sent to the desk by the gentleman from Illinois does not come within the terms of the order made by the House, and hence is not in order under the rules and practice of the House.

Now, I call the Chair's attention to this particular fact—that this amendment provides for the admission of two Territories instead of one. The bill now pending before this House provides for the admission of Oklahoma, and the amendment offered by the gentleman from Arkansas provides for the admission of Oklahoma and the Indian Territory, and that is the exact point passed upon in this case. This is a precedent that has never been overruled and is the law in the case, and I insist on the point of order.

Mr. McRAE. Mr. Chairman, there is no analogy between the case cited and the one before the House. In that case there was a special rule, and the ruling of the Chair was to the effect that the rule under which the bill was being considered excluded the consideration of anything not mentioned. In that case it was sought to annex as a new State an organized Territory, and in this case it is to enlarge Oklahoma by adding an unorganized Territory that is contiguous to it, entirely within the jurisdiction of Congress; in other words, to define the boundary of Oklahoma; in the third place, the bill itself in the third section has a proviso which contemplates that this very Territory may at some time be added.

And it is strange indeed that a member of the Committee on Territories should make a point of order against doing now that which he provides may be done at some time.

I do not think it necessary to detain the committee or the Chair by further discussing this proposition. It is untenable on the three grounds I have stated; and I can not believe that the decision cited will give the Chair any difficulty whatever.

Mr. PAYNE. Mr. Chairman, it seems to me there can be no serious question in regard to this point of order. The case cited was a case where a bill was introduced for the admission of the Dakotas, and the proposition was to amend by admitting as States Montana, New Mexico, and Arizona—three distinct propositions.

This bill in its first section gives the boundaries of the State of Oklahoma, which it seeks to create. The amendment proposes merely to change those boundaries, taking in other territory. As the gentleman from Arkansas has well said, the bill itself provides that in course of time, or, indeed, at any time, the Indian Territory may come in as a part of Oklahoma—may be added to the State of Oklahoma. But the distinction between this case and the one which has been cited is that in that case it was proposed to take different Territories and make them separate States. Of course that was not germane. This is a proposition simply to amend the boundaries of one of these proposed States, as defined in the first section, and it must be germane.

Mr. KNOX. Mr. Chairman, I submit that the force of the grave objection advanced against this amendment is not at all weakened by saying that this is merely a proposition to change the boundaries of one of these Territories, because, if such a position could be maintained, then by simply extending the boundaries of one State or Territory by taking in land contiguous thereto you could accomplish all the mischief which the rule was designed to prevent. To say that this is a mere proposition for extension of boundaries seems, therefore, to me a simple evasion of the question.

There is another matter stated by the gentleman from New York [Mr. PAYNE] which the bill does not bear out and which the gentleman who advocates this amendment, it seems to me, does not state exactly as it is. The provision as to the Indian Territory does not provide in any way for the admission of the Indian Territory or for annexing it or any part of it to Oklahoma. That power by the bill is left for future action of Congress. This bill does not disturb it in any way. The only provision in reference to this matter is the following:

*Provided, That the constitutional convention provided for herein shall, by ordinance irrevocable, express the consent of the State of Oklahoma that Congress may at any time, or from time to time, attach all or any part of the Indian Territory to the State of Oklahoma after the title to said lands in said Indian Territory is extinguished in the tribes now claiming the same, and the same assigned in severalty and subject to taxation.*

The only effect of this provision is to reserve to Congress the power which belongs to it, by compelling this prospective State

to express its consent that when Congress may choose to make this addition or attachment of the Indian Territory to Oklahoma it may be done. The power of Congress with reference to the Indian Territory is left precisely where it is now. If there could be new matter introduced into any bill, if there could be a substantive provision departing entirely from the purview of the bill, it would be a proposition to annex one Territory to another by an amendment of this kind.

Mr. UNDERWOOD. Mr. Chairman, it seems to me that the decision of Speaker Carlisle in the Fiftieth Congress, cited by the gentleman from Missouri, must be clearly in point. I can not see how the gentleman from Arkansas can differentiate the bill to which that decision applied and the bill now before the House. It is true that something was said in the decision about the bill then pending (for the admission of Dakota) having been brought before the House by a rule, but the question that came before the Chair for its decision was not whether an amendment was in order; that point was not raised. There was no question as to whether under the rule any amendment could be offered—that was all that a rule could undertake to provide or limit—but the question was the same as that raised in this case, whether the amendment offered was germane. The Chair did not make any decision whether it was in order to offer an amendment. The decision had relation simply to the question whether the amendment submitted was germane to the bill, and the effect of that decision was very clear—that a bill providing for the admission of Dakota into the Union could not be amended by adding a provision for the admission of other Territories. There is no question as to the effect of that decision.

Now, does that decision cover this case? This bill provides for the admission of three States. Its provisions are limited to those three States as much as the bill in the Fiftieth Congress was limited to the proposed States of North and South Dakota. It is true that the bill now before the House provides that under certain conditions the Territory of Oklahoma shall consent that the Indian Territory shall be added thereto, if the Federal Government so desires. But that is not a provision relating in any way to making the Indian Territory a State of the Union; it does not contemplate any such provision. It is merely a limitation on the constitution that the Territory of Oklahoma may hereafter adopt. It does not relate to the boundaries of the Territory of Oklahoma or the Indian Territory. It is like other provisions of the bill, merely a limitation on the powers of the constitutional convention to be called preparatory to the admission of the Territory into the Union. It is a limitation on the powers that may be placed in that constitution. It has nothing to do with the question whether the Indian Territory may be admitted or not.

Now, as to the germaneness of the proposition to this bill, it seems to me very clear, under all the decisions, that when a committee reports to the House a bill for the admission of one particular Territory as a State, that measure can have no reference whatever to the admission of another Territory into the Union. The fact that the Indian Territory lies adjacent to Oklahoma does not affect the proposition any more than if it were a question of admitting Alaska at the same time that Oklahoma is admitted. I think it very clear, under the decisions already referred to, that if the gentleman from Arkansas, or any other gentleman, should move as an amendment to this bill to admit the Territory of Alaska into the Union the Chair would be bound to hold the amendment not germane to the bill before the House.

And if it is not germane to admit the Territory of Alaska it can not be germane to admit the Indian Territory simply because at one time they constituted the same geographical division, which has since been separated by an act of Congress, or because they lie adjacent to each other. That being the case, if the Chair opened the proposition to any amendment that might be offered on the floor of the House, why, you could offer an amendment for Hawaii or for the Philippine Islands. There would be no limitation on the proposition whatever when it came before Congress, and the object of these rules is to hold the legislation before Congress to the particular subject that is brought before it by the committees. That is the only reason we have rules. Otherwise it would be unnecessary to have rules of this kind. But in order to transact the business of this House orderly and to have it considered properly by the various committees of the House from time to time it has been held that it is not in order to bring legislation before the House by way of amendment that has not first been properly considered in the committees having jurisdiction of the subject-matter.

Mr. HOOKER. Mr. Chairman, it is very evident that the proposition of my friend from Arkansas [Mr. McRAE] changes the whole character of this report from the committee. It is not an amendment germane to the subject-matter at all. If it is held in order, why, then you can move to add any other portion of the country to it which constitutes the territory of the United States. I rise to speak on this question for the reason that I am

going, at the proper time, to offer an amendment to strike out what I regard as the only objectionable feature of this bill, namely, that portion which relates to the admission of the Indian Territory.

Mr. McRAE. Will my friend allow me to ask him right there if he considers the paragraph he wants to strike out as subject to a point of order?

Mr. HOOKER. I think it is subject to amendment.

Mr. McRAE. If it is not subject to the point of order, how could this amendment be obnoxious to the point of order?

Mr. HOOKER. For the reason that we are proposing to do more than the committee proposes. You are proposing to include the whole Indian Territory in this bill to constitute a part of Oklahoma. It is well known to those who are familiar with our territorial history that Oklahoma itself originally constituted a portion of the Indian Territory, belonging to the five semicivilized tribes, the Choctaws, Creeks, Cherokees, Seminoles, and another.

Mr. MADDOX. The Chickasaws.

Mr. HOOKER. Oklahoma was dismembered from the Indian Territory and created a Territory of the United States, subject to the laws, rules, and regulations which pertain to a Territory. This is a proposition to admit that Territory and not anything else; but if my friend from Arkansas can propose to add this scope of territory which the Indians now have, and which I think they are entitled to have as a State of their own, not added to any other, why, then there is no limit to what can be done by way of amendment of this bill.

We ceded those lands to the Indians that you now propose in this indirect way to take away from them. We ceded them in terms of solemn treaties between the five semicivilized tribes and the Government. I allude to this in order that I may show that this proposition of my friend from Arkansas is in violation of the rules which prevail, that you can not offer an amendment to a bill unless it is germane to the bill. Why, sir, the idea of taking that vast territory of the five semicivilized tribes of Indians and making a State out of it without consideration by a committee of this House shocks every idea of parliamentary law as well as of justice and right. His proposition now is to take the whole. The report of the committee proposes that Oklahoma, if it shall accept this inauguration into statehood, shall in its convention provide that such portions of the Indian Territory as they may see fit shall be added to it.

That, I think, is the only objectionable feature of this whole bill. They have no right to take it either in parcels or absolutely and entirely, as the amendment offered by the gentleman from Arkansas [Mr. McRAE] provides. If that could be done, why, then you could make a State out of a Territory without notice to that Territory, without representation by that Territory, and without an expression of opinion by the people of that Territory; and therefore it seems to me that the point of order is properly raised that this is not a subject cognate to the subject-matter which the committee considered, but entirely different from it and proposing to create a State out of the present Territory of Oklahoma, that has metes and bounds properly defined, and to make a State not only of Oklahoma, but to include that vast domain ceded to the Indians, which, when it was ceded, General Jackson said should be theirs "as long as grass grows and water flows."

Mr. WILLIAMS of Mississippi. Mr. Chairman, is the Chair ready to rule?

The CHAIRMAN. The Chair is ready to rule. If this were a bill for the admission of Oklahoma Territory alone as a State there would be no doubt as to the position taken by the gentleman from Missouri being correct. An amendment to admit some other Territory as a State would not be in order. But this is a general bill covering three different Territories, and an amendment as suggested by the gentleman from Alabama [Mr. UNDERWOOD] to admit Alaska as a State would be in order on this bill.

For instance, a private claim bill for the allowance of a single claim would not be subject to an amendment allowing some other claim, but a general claims bill, such as often comes before this House, can be amended by adding another claim. So with public building bills. A bill to erect a public building at Birmingham, Ala., could not be amended by a proposition to erect a public building at Indianapolis, Ind.; but a bill providing for a number of public buildings could be amended by adding another public building. One is a general bill, the other is a bill for a single object; and as the Chair said, if this were a bill to admit Oklahoma alone as a State, this amendment would not be in order. On the other hand, it is a general bill proposing to admit three Territories as States.

In the Thirty-fourth Congress a decision was made by the Speaker that covers this point clearly. On July 17, 1856, Mr. Elihu B. Washburne, of Illinois, reported from the Committee on Commerce a resolution of the Senate for enlarging the custom-

house and post-office and court-house at Milwaukee, Wis., and at Detroit, Mich., and for the construction of a public building for the same purpose at Dubuque, Iowa, with an amendment providing for some public buildings at Toledo, Ohio, Ogdensburg, N. Y., Ellsworth, Me., Chicago, Ill., Nashville, Tenn., and other points.

Mr. James L. Orr, of South Carolina, made the point of order that the amendment was not germane to the original resolution, inasmuch as it provided for the construction and enlargement of public buildings in different cities and States from those mentioned in the resolution to which the amendment was offered. The Speaker overruled the point of order. There was the exact question. There was a public-building bill providing for two or more buildings. An amendment was offered to add another building in another State.

The point of order was made, and the Speaker of the House, Nathaniel P. Banks, jr., of Massachusetts, overruled the point of order. There is no doubt, in the opinion of the Chair, that the amendment offered by the gentleman from Arkansas [Mr. McRAE] is in order on this bill, this being a general bill for the admission of Territories. The Chair therefore overrules the point of order.

Mr. UNDERWOOD. Mr. Chairman, recognizing the importance of the decision, I ask to take an appeal from the ruling of the Chair.

Several MEMBERS. Oh, no.

Mr. UNDERWOOD. In deference to the wishes of my colleagues, I withdraw the appeal.

Mr. McRAE rose and was recognized.

Mr. KNOX. I will ask the gentleman from Arkansas how much time he desires?

Mr. McRAE. I will only consume five minutes.

Mr. KNOX. I did not know whether the gentleman proposed to occupy considerable time.

Mr. McRAE. No; I do not. I want to facilitate the consideration of this bill as much as possible, and as I have already spoken in the general debate I have very little to add, except that I want to call the attention of members of the House to the map before us, so as to show the relation of these two Territories, one to the other, and thus get a clearer idea of what is involved in my proposition.

You will find the Indian Territory indicated in red on the east. It is only a little less in area than Oklahoma. It has a few thousand population less, according to the census of 1900, and according to the census it has a denser population than Oklahoma. The Indian Territory has 12 people to the square mile, while Oklahoma has only 10. They are of the same character of people and have a common history. They ought to be in the same State for the good of both.

I submit to the House and to the country that it is unjust to the people of the Indian Territory to provide for the admission of all of the rest of our Territories between the two oceans and leave this one in this uncertain and undesirable attitude. These people deserve a better fate.

If we are to pass the bill to admit three Territories, then we should cover all of them by taking in the Indian Territory.

I do not undertake to speak for the politics of either of these Territories. There has been no election to indicate what the politics of the Indian Territory are, but they are supposed to be Democratic, but if we take the record as to Oklahoma it is Republican. I make no objection on that account, for whether they be Democrat or Republican, it is their right and their privilege to have admission, and then at their own pleasure select their affiliations.

I appeal to Republicans and Democrats alike to consider the condition of those people. They are equally as worthy as the people of Oklahoma. I am willing for Oklahoma to take her own governor, her secretary, and the Dawes Commission and hold this election, and hold the convention in the capital of Oklahoma, giving her any advantage that she can get out of that, but I want the Indian Territory attached now or never. Any other course would be unjust to her. With 800,000 inhabitants the two will have four Representatives on this floor, and they will be worthy of her neighbors, Missouri, Kansas, Texas, and Arkansas.

But, my friends, if you leave them as separate States you will find them both lacking in revenue, lacking in many things necessary to make a great State. Lacking in the money necessary to educate her children, and if they are to become a great people and prosper they must do that. I believe if you will make this State you will make these people glad and do a patriotic duty to all the people of the Union. [Loud applause.]

Mr. HOOKER. Mr. Chairman, I want to say a word in reply to what has fallen from my friend from Arkansas with reference to the adoption of his amendment. He urges it as an act of justice to the Five Semicivilized Tribes. Have they asked, Mr. Chairman, to come in as a State in connection with Oklahoma? Has the Territory of Oklahoma, through its representative upon



this floor, asked it? Whether he be a Democrat or a Republican, it makes no difference to me. No word has been heard in the debate of petitions addressed to this House and referred to the Committee on Territories.

Mr. STEPHENS of Texas. If the gentleman will permit me, I will state that a convention has recently been held in the Indian Territory, at which resolutions were adopted, requesting that they might be added to Oklahoma and admitted to statehood under this bill. I introduced a similar bill requiring that to be done. As the gentleman no doubt understands, the great majority are white people in the Indian Territory.

Mr. HOOKER. That may be the information of the gentleman. My information is that these Indian tribes have not passed upon this question. They have wanted to be made a State under their own laws, and if there is any portion of the territory of the United States which can appeal more earnestly to the Congress of the United States than another, it is the Indian Territory.

From them we have obtained all of the vast region of territory which the white people now occupy, and when we acquired the country from the Cherokees when removed from Georgia and the Choctaws removed from my own State of Mississippi, they were assured under solemn treaties with the Government that the territory which they were to be moved to should be their own; and under this assurance of territorial condition they ought to have the right to be created a State of their own, with Indian blood and the Indian people and Indian sentiment to represent them. If that appeal has been made, why is it not sent to this Congress expressing that sentiment?

I am informed by the most intelligent Indians representing the Choctaws, the Chickasaws, the Cherokees, the Creeks, and the Seminoles that they want a territory of their own government, and they are entitled to it. Let Oklahoma have her Territory created into a State. If the speech of the honorable gentleman from Massachusetts [Mr. KNOX], the chairman of this committee, is to be relied upon, and it was a speech of great power, backed with figures as to the population and wealth and school advantages and all other things; if his speech is to be relied upon, and I do not think a single position taken by him has been shaken by the argument of the gentleman from Ohio [Mr. GROSVENOR], who said he would vote for Oklahoma if separate, it should be admitted. I am going to vote for it because it is connected with the others, and say that we ought to act upon the report of the committee and permit these Territories to come into the Union as States, and then we can wait for the request of the people of Oklahoma and for the request of the semicivilized tribes of Indians. [Applause.]

Mr. LLOYD. Mr. Chairman, I very much regret to express an opinion differing from that which has been asserted by the gentleman from Arkansas [Mr. MCRAE], for whom I have the very kindest personal regard. I am very sorry indeed, however, that he has presented this amendment. I fully agree with everything he said on yesterday with reference to the condition of the people in the Indian Territory.

I am aware of the fact that those people are without government, that they are practically in a state of rule by justices of the peace, and that the only additional rule is that of the civilized tribes. I concede that they need some kind of government. I fully concur in all that has been said with reference to that particular feature in this controversy.

The Committee on Territories has very carefully considered the question of what should be done for the Indian Territory. Hearings have been given to all parties connected with this matter, and after careful consideration it has been determined that the Indian Territory ought to have a Territorial form of government.

There is pending before this body to-day what is known as the Moon bill, which provides a form of government for them. Gentlemen now insist that they ought to have statehood. Why, the Indian Territory has served no probationary period. New Mexico and Arizona have served their long period of probation; Oklahoma has been a Territory of the United States for these many years, but the Indian Territory has never had government. The truth is the civilized tribes have a rule there of four years more by reason of the treaty relations that exist between them and the Government. The thing that ought to be done, in my judgment, is to establish there a Territorial form of government.

But I am not concerned at this time to give my opinion on this subject. There were hearings before the Committee on Territories, and there has been a great amount said and done with reference to the question of statehood. You would suppose from what has been said thus far in the debate that there is only one opinion in the Indian Territory, and that is that they desire to be a State in this Union, a part of the State of Oklahoma. The people themselves, according to the information that the committee has, do not desire to become a part of Oklahoma and do not desire at this time statehood.

Mr. MCRAE. Will the gentleman tell this side of the House why that provision was put in the bill for emasculating the Indian Territory by piecemeal?

Mr. LLOYD. That was placed there to satisfy an element of which my friend from Arkansas is a faithful representative.

Mr. MCRAE. I deny it. I would not vote for that separate proposition if it cost me my seat in Congress. I regard it as a most iniquitous one, and the gentleman must not charge me with any responsibility for that provision.

Mr. LLOYD. The gentleman did not quite understand me. I have no charge to make against the gentleman as being the author of that clause in this bill. I answer his question by saying that in the consideration of this Territory by the committee, after hearing the parties, there was a concession made to an element which the gentleman from Arkansas represents, and that element insisted that they should be a part of Oklahoma.

Mr. MCRAE. I would like to see the color of the man's eyes who lives in the Indian Territory or has any interest in it that would consent to a proposition like this.

Mr. LLOYD. Now, if the Chair please, I am not willing to be called away from the point I was undertaking to discuss at this time. My time, of course, is limited. I wish to call attention to the fact that there was in Oklahoma a statehood convention, and that convention was the largest ever held in the Territory of any kind. It passed a unanimous resolution in favor of separate statehood, and appointed a committee to present their views to Congress, which appeared before the Territorial Committee and demanded the consent of the House to their request.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LLOYD. Mr. Chairman, I would like further time.

The CHAIRMAN. The gentleman from Missouri asks that his time be extended. Is there objection?

There was no objection.

Mr. LLOYD. I thank the committee for this compliment.

Mr. STEPHENS of Texas. Will the gentleman allow me an interruption?

Mr. LLOYD. Certainly.

Mr. STEPHENS of Texas. Was there not held in the Indian Territory recently a convention by citizens of that Territory, representing all parts of it, known as the "single statehood convention," in which they passed resolutions asking to be added to Oklahoma, and making it form one State; and is not it a fact that the great majority of white voters of that country are demanding that at the present time; and have not you had petitions before your committee to that effect, and have not you heard arguments before your committee for that to be done?

Mr. LLOYD. We had before the committee a number of petitions from towns in the Indian Territory insisting that they should not be made a part of Oklahoma. There were also petitions asking that it should be made a part of it. They had a convention at the time named, but I can not concede all that is implied in the question. There was another convention in the Indian Territory, composed of both parties, and at that convention they passed resolutions against statehood.

Now I want to call attention to what a citizen of the Indian Territory said about this matter in the hearings before the committee. The individual to whom I refer is Col. R. L. Owen, a very intelligent gentleman. He said:

I am a citizen of the Indian Territory. I have lived there twenty-three years. My people have lived there ever since it was inhabited by civilized man. My great-grandfather was a Scotchman and took the first band of Indians into that country. I represented the Cherokees in charge of their school for four years and then I represented the United States as Indian agent for the Five Civilized Tribes, and know those people there very well.

In speaking of the single statehood convention he said:

In their enthusiasm they imagined that they represented all the people of Indian Territory and Oklahoma, but as a matter of fact those who assembled there met under a call which provided that only those who were in favor of single statehood should be there.

Their meeting was unanimous—

Of course it would be—

it was harmonious—

Certainly so—

they passed resolutions embodying their own ideas. They did not invite those that were not in favor of single statehood to attend the meeting. Before that convention for the purpose of resolving in favor of single statehood, about every business man in Muskogee, including the presidents and cashiers of the banks, and all the business men almost without exception, signed the call for a meeting for the purpose of giving expression to their opinions on statehood.

I was at the convention and was made chairman of the committee on resolutions and drew them. I drew them in accordance with the sentiment of the Territory. Those resolutions were passed unanimously and were against statehood.

You will find further in the hearings that various individuals have been interrogated with reference to the sentiment in the Indian Territory, and I believe it is true that the portion of the Indian Territory lying next to Arkansas—nearest to that which is

represented by my friend from Arkansas—has many advocates of single statehood; but the testimony of two leading witnesses was to the effect that nine-tenths of the people of the Territory are opposed to single statehood. With reference to the sentiment of the Territory, there can be no question. I think, from the testimony before the committee, that the Territory of Oklahoma is decidedly opposed to single statehood. The people there are concerned to have separate statehood.

One objection raised here is that this Territory has not sufficient area for a State. I was surprised that the gentleman from New Jersey [Mr. PARKER] should insist on this objection, coming, as he does, from a State not one-fourth as large as the Territory of Oklahoma and not one-fifteenth as large as the Territory of New Mexico. Yet he says that the three Territories should be bound into a single State; and that is his argument.

But, Mr. Chairman, so far as I am concerned, I wish to do that which is best. I have no personal concern except to secure that which will inure to the benefit of the Indian Territory and Oklahoma. Their wishes should be consulted to ascertain what they desire; and I believe as firmly as I believe anything that the people of Oklahoma are decidedly opposed to single statehood, and that a majority of the people of the Indian Territory oppose it, and that it should not be imposed upon them.

Mr. Chairman, I desire at this time to submit some general observations on the bill.

No question of higher privilege can be considered by this body than the one enabling a Territory to become a State of this Union. To-day three large areas of country, with a considerable population and great wealth and resources, ask for statehood, and this House is charged with the important duty of voting to enable them to become commonwealths in this great domain or to prevent them from the enjoyment of such privilege. The original thirteen colonies all became States of their own volition. They are responsible for the declaration of their rights and the accomplishment of their independence. They made the sacrifice in the Revolutionary period which resulted in their triumph at Yorktown and their recognition by the nations of the world as a free people and an independent government. They made the Constitution which determined the rights of citizenship and exalted the people to sovereignty. They laid well that foundation on which the governmental structure of to-day so securely rests and sent a triumphant republic on its march to supremacy.

It is my purpose at this time to give a brief résumé of the history of the legislation that has added so many States to the original 13 and to present, if I may, the motives which seemed to actuate Congress from time to time in its consideration of the numerous applications for statehood which have been presented. I shall be pleased also to gather from the records of Congress the requirements demanded for the exalted position of partnership in the American Union, if it may be done.

The Continental Congress, in 1787, two years before it was superseded by the Congress provided by the Constitution, passed an ordinance for the government of the Territories northwest of the Ohio River, the subsequent division of that territory into States, and expressly declared that—

Whenever any of the several States have 60,000 free inhabitants therein, such States shall be admitted by its Delegates into the Congress of the United States on an equal footing with the original States in all respects whatsoever, and shall be at liberty to form a permanent constitution and State government, and, so far as it can be, consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than 60,000.

The act of Congress of May 26, 1790, establishing a government for the territory south of the Ohio River, provided that the inhabitants were to enjoy all the privileges set forth in the ordinance of the late Congress for the government of the Territory of the Ohio. By common acceptance, as well as by these general terms, it was understood that when any organized Territory, on either side of the Ohio River, with 60,000 inhabitants asked for admission it was, as a matter of right, entitled to statehood.

The first division of territory that asked for admission as a State was Kentucky, but the first to be recognized under legal enactment was Vermont. The latter State was at that time a part of the State of New York, but by the consent of that State and through its own earnest appeal its application was considered. On February 9, 1791, President Washington submitted the petition to Congress, and in the accompanying message said:

I have received from the governor of Vermont authentic documents expressing the consent of the legislature of New York and of the Territory of Vermont that the said Territory should be admitted to be a distinct member of our Union, copies of which I now lay before Congress, with whom the Constitution has vested the object of these proceedings.

Within ten days from that date the Green Mountain State was admitted into the Union. It was then the seventh State in area and had a population of 85,425. The glorious flag of victory which had been aloft on so many bloody battlefields was now to have another star, emblematic of the new relation which it sustained by this addition to the family of States.

Kentucky secured the passage of its bill for admission several days before that of Vermont, but by the provisions of the act itself the date of recognition was fixed, and ere that period was reached Vermont had been accepted as a State. In the message of President Washington to Congress in December, 1790, he stated:

Since your last session I have received communications by which it appears that the district of Kentucky, at present a part of Virginia, has concurred in certain propositions contained in a law of that State, in consequence of which the district is to become a distinct member of the Union in case the requested sanction of Congress be added. For this sanction application is now made. I shall cause the papers on this very important transaction to be laid before you. The liberality and harmony with which it has been transacted will be found to do great honor to both the parties, and the sentiments of warm attachment to the Union and its present Government expressed by our fellow-citizens of Kentucky can not fail to add an affectionate concern for their particular welfare to the great national impressions under which you will decide in the case submitted to you.

The resolution accepting Kentucky as a State passed the House January 28, 1791, without a dissenting vote, and the Annals of Congress have this record of its passage:

On motion of Mr. Brown, the House resolved itself into Committee of the Whole and took up consideration of the bill providing for the admission of Kentucky into the Union, Mr. Bodinst in the chair. The Chairman reported the bill to the House without amendment, and, on motion, it was read the third time, and passed.

The Senate had previously considered it, and it only remained for the President to approve the act of Congress, which was done February 4, 1791, and it, with its population of 73,677, became the fifteenth State in the Union. This daughter of Virginia, the first to leave the maternal fold, was then the home of Daniel Boone and a year later became the residence of Henry Clay. What a history one hundred and eleven years has made. How many a son of the West has, within that period, begun his biography "born in Kentucky," and how many living to-day point with pride to their ancestors who migrated from the blue-grass region.

The next applicant for statehood was Tennessee. There was quite a debate over its admission. It was contended that by the compact previously made no Territory could become a State unless it had a population of 60,000; that to determine the question of the number of its inhabitants the Territorial census must have been taken by authority of the General Government. On the other hand, it was claimed that it was optional with Congress whether it accept into the Union organized Territory with less than 60,000 inhabitants and that no law directed who should take the census, and this view was finally accepted. According to the census of 1790 Tennessee had a population of 35,691, but by a census taken by authority of the Territorial legislature in 1795 it had 66,000 inhabitants. In the course of the debate James Madison, afterwards President, in referring to the condition of the Territory, said:

The inhabitants of that district of the country are at present in a degraded situation; they are deprived of a right essential to free men—the right of being represented in Congress. Laws are made without their consent or by their consent in part only. An exterior power had authority over their laws; an exterior authority approved their execution, which was not analogous to the other parts of the United States and not justified by anything but an obvious and imperious necessity.

How well did he describe the condition of the Territories to-day, and before ballots are cast against admission it would be well to measure these Territories by his standard of right and duty. After several days' discussion the bill passed the House by a vote of 43 to 30, the vote in the Senate on the same proposition was 15 yeas to 8 nays. In May, 1796, the bill was approved, and the first organized separate Territory was accepted as a State. Within a short time it elected Andrew Jackson as its first representative in the popular branch of Congress.

Ohio, in 1802, prepared its constitution and demanded statehood. In 1800 it had a population of 45,365, and it is hardly probable that in two years it had reached the number of 60,000 which entitled it to admission. But no question was raised against its coming into the Union, and practically by unanimous consent it was received. Its constitution was voted on in November, 1802, and many claimed that as the date of admission. But the more satisfactory statement seems to be that its admission should date from its first recognition by Congress or the Executive, which was in February, 1803. This Commonwealth has a marvelous history. Virginia may be the mother of Presidents, but Ohio has in recent years been the possessor of them. It is now the fourth in population, and ranks high in education and material wealth. It is entitled to have its centennial anniversary with the people of the Louisiana purchase, because it was admitted by President Jefferson the same year that Louisiana was obtained from France.

#### LOUISIANA.

The fifth State admitted to the Union was Louisiana, a part of Jefferson's purchase. This legislation was perfected April 12, 1812, a little less than three years before the crowning event of that war, in which General Jackson completely defeated the British at New Orleans. There had been much contention about what should be the boundaries of the new State but at last it



was accepted with its present area. One of the principal advocates of statehood was Henry Clay. The census of 1800 gave Louisiana a population of 76,556, much beyond the limit then required, but no question of the number of inhabitants was raised during the discussion.

Then came, sixth in order, a part of the Northwest Territory, the district of Indiana, and asked for admission under the Federal Constitution. But a serious question was raised here, more important than in the case of Tennessee. Its population in 1810 was only 24,520. Notwithstanding its apparent lack of inhabitants it was accepted and admitted to the full rights of statehood December 11, 1816, and its people were given that freedom which all men may properly demand and which is vouchsafed under the Constitution and Declaration of Rights promulgated by our fathers.

A year later the Territory of Mississippi, then a part of Georgia, through its Territorial legislature, asked for recognition as a State. It had been ceded by the Continental Congress to Georgia, with an agreement that afterwards it might become a State, in these words:

That the territory thus ceded will form a State and be admitted as such into the Union as soon as it shall contain 60,000 free inhabitants, or at any earlier period if Congress should think it expedient.

In the debate on the resolution it was argued that it should not be accepted, because its area was too great, and that in time its influence would be too powerful. These insisted that it should be divided. Others believed that if it should be divided the population would not be sufficiently large to admit either part of it, and especially the eastern division. After a vigorous discussion that lasted for days, it was determined to admit the western portion, now the State of Mississippi, and the eastern part was formed into a Territory, which afterwards became the State of Alabama. In 1810 the then Territory of Mississippi had a population of 40,352, but in 1820 the State, as limited by Congress, had 75,448 inhabitants. December 10, 1817, marks the acceptance of Mississippi, in the first year of the Administration of James Monroe and about the time of the death of Thaddeus Kosciuszko, the great Polish general and patriot for whom one of its counties is named.

Illinois was the next to seek statehood. The bill asking for an enabling act named boundaries which would have made a State no part of which would have touched Lake Michigan. The great city of Chicago, now the pride of the State, would have been part of Michigan. An amendment to the bill was made at the instance of Mr. Polk which fixed the present boundaries. The only contest was on this amendment. The bill passed both House and Senate almost unanimously, and on December 3, 1818, it became a State. The census which followed in 1820 showed a population of 55,211, so that it fell much below the 60,000 limit at admission, but now the city of Chicago alone contains over a million and a half inhabitants. This was eighteen years before the present chairman of Appropriations made his advent into the world and fifty-four years before he was sent to Congress.

From the Southland came the next petition. Alabama, two years before its present junior Senator, Mr. PETTUS, was born, asked for recognition as a State. The census of the following year gave its population as 127,901. There were no serious exceptions urged against its acceptance, and on December 14, 1819, in the year of the birth of Queen Victoria and the cession of Florida to the United States, it was admitted into the Union as the Twenty-second State.

Maine, a part of Massachusetts, sought separate statehood. Quite a contention arose in Congress over an attempt to admit Missouri and Maine together. It was sought by this means to compromise the slavery question, and admit one as slave and the other as a free State. But this proposition failed and Maine was accepted March 15, 1820. It had then a population of 298,335. Its boundaries were practically the same as at present. In 1783, in the treaty with England, the boundary between the two countries was fixed, but in 1827 points of difference had arisen which were referred to the King of the Netherlands for settlement. His award was in the nature of a compromise, but more favorable to England than to this country. At the earnest solicitation of Maine this award was rejected, but after severe and threatening complications the boundary was fixed by the Webster-Ashburton treaty of 1847, which was slightly more favorable to Maine than the previous award but not much different from it.

One of the bitterest sectional debates in Congress up to 1820 was on the bill to admit Missouri as a State. The contention was over the proposition to admit it as a slave State, and finally resulted in a compromise, whereby Missouri was to retain its slaves, but slavery was not to be permitted north of 36° 30' north latitude in any State to be admitted thereafter. The vote on this compromise in the House was 90 yeas to 87 nays. But few speeches are more interesting than those made on this memorable bill. I wish to quote a few words from Mr. Kinsey, of New Jersey, who said:

We have arrived at an awful period in the history of our empire, when it behooves every man of this House now to pause and consider that on the next

step we take depends the fate of unborn millions. I firmly believe that on this question now before us rests the highest interest of the whole human family. Now, sir, is to be tested whether this grand and hitherto successful experiment of free government is to continue, or after more than forty years of enjoyment of the choicest blessings of heaven under its administration we are to break asunder on a dispute concerning the division of territory. Gentlemen of the majority have treated the idea of a disunion with ridicule, but to my mind it presents itself in all the horrid, gloomy features of reality; and when we unfold the volume of past ages and in the history of man trace the rise and fall of government we find trifles light as air compared with this dissolving the most powerful confederations and overturning extensive empires.

How thoroughly prophetic was this utterance. How vividly did he present the picture of the contest that came forty years later. But the real sentiment of this appeal, devotion to the Union, and a desire that its blessings should be forever enjoyed, applies with equal force to the Territories applying for statehood to-day. No trivial matter should stand between us and our duty, and the voice of 900,000 souls begging for civil liberty, the right of self-control, and the opportunity to participate in the counsels of the country should not be passed unheeded. Missouri, a part of the Louisiana purchase, which now possesses the metropolis west of the great Father of Waters, the place where the great world's fair is to be held, was accepted into the Union August 10, 1821, and Thomas H. Benton became one of its first Senators. This State had at the time of the passage of its enabling act only 66,586 inhabitants, but now it has as great a population as the original States when Washington was inaugurated President. It became a State in the year that Napoleon Bonaparte died on the lonely island of St. Helena.

In 1836 Arkansas claimed the privilege of statehood and insisted that no enabling act by Congress was necessary. It relied upon the provision of the treaty with France made in 1803 which stipulated that—

The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and be added as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States.

They sought to have a convention to frame a constitution, but the governor of the Territory endeavored to prevent the people from accomplishing this purpose. He inquired of President Jackson how this could be accomplished, who replied:

The people undoubtedly possess the ordinary privileges and immunities of citizens of the United States, among them the right to peacefully assemble and to petition the Government for the redress of grievances. If, therefore, the citizens of Arkansas think proper to accompany their petition by a written constitution framed and agreed upon by them in assembly or by a convention of delegates chosen by such assemblies, I perceive no legal objection to their power to do so.

The people, however, in order to avoid complications made the ordinary application to Congress praying for admission, and without serious contest their prayer was granted June 15, 1836, and Arkansas became the twenty-fifth State in the Union. It had at that time a population of 52,240, and in the census which followed, in 1840, the population was 97,574.

Michigan was established as a Territory in 1805, and did not apply for statehood until 1832, and then only to receive adverse action. The bill was revived in the next Congress, in 1834, but it likewise met defeat. No satisfactory reason was given for this action, and judging from the record of the vote it must have been rejected on partisan grounds. Undaunted and determined, the application was again renewed, and after a vigorous and prolonged contest, in which the strongest men in Congress participated, the bill passed. In the Senate Benton, Clay, and Calhoun engaged in the discussion; Benton favored admission and Clay and Calhoun opposed it. In this instance the points in controversy were the proposed boundary line and the alleged misconduct of the people. By a close vote it was determined to admit Michigan, but with a changed boundary and on the condition that her people, in a convention to be called for that purpose, should assent to the change of boundary, which assent when obtained should authorize the President to announce the admission by proclamation. A convention was called through the legislature to consider the terms fixed by Congress for admission, but the convention rejected the same and refused to be admitted on the basis fixed by Congress. Later, however, delegates were elected to a convention which did accept the provision of the Congressional act. President Jackson, in his message to Congress on this subject, stated:

The latter convention was not held or elected by virtue of any act of the Territorial or State legislature. It originated from the people themselves and was chosen by them in pursuance of resolutions adopted in primary assemblies held in the respective counties. The act of Congress, however, does not prescribe by what authority the convention was to be ordered or the time when or the manner in which it was to be chosen. Had these later proceedings come to me during the recess of Congress, I would have felt it my duty, on being satisfied that they emanated from a convention of delegates elected in point of fact by the people of the State, for the purpose required, to have issued my proclamation thereon as provided by law; but as the authority conferred on the President was evidently given him under the expectation that the assent of the convention might be laid before him during the recess of Congress, and to avoid the delay of a postponement until the meeting of that body, and as the circumstances which now attend the case

are in other respects peculiar and such as could not have been foreseen when the act of June 15, 1836, was passed, I deem it most agreeable to the intent of that law, and proper, for the reasons that the whole subject should be submitted to the decision of Congress, to present it to your body. The importance of your early action upon it is too obvious to need remark.

Under the circumstances I have detailed Michigan was admitted into the Union by action of Congress January 26, 1837. In 1830 its population was 31,639, but during the decade following it grew rapidly, so that in 1840 the census showed 212,267 inhabitants. This year was marked by the accession of Queen Victoria to the Throne of England and the inauguration of Mr. Van Buren as President.

Florida became a part of the United States in 1821. It first applied for statehood in 1839, but in 1840 had a population of only 27,943 whites. It had, since the visit of Ponce de Leon, in 1512, been the theater of warfare more or less and had been controlled by various countries. Not until the year 1845 was it ever permitted to enjoy absolute freedom. It was then accepted as a State by Congress without contest.

This was within four years of the birth of all its present Representatives in both branches of Congress. It had in the census of 1850 a population of 87,445, so that at the time of its admission it had evidently passed the 60,000 limit. This was the last of the eleven States known as the Confederate States to join the Union, but it, like all the rest, now renders the most faithful allegiance to that flag which had in its beautiful folds the twenty-seventh star because of its acceptance, and is one of the two States which, following the election of 1876, was in contest, and, because of its doubtful vote, the 8 by 7 electoral commission was called upon to determine who was President, Mr. Hayes or Mr. Tilden.

Texas first declared its own independence the 20th of December, 1835. Shortly after, however, Santa Anna captured the Alamo, whence only three persons were permitted to escape—a woman, child, and a servant. A second declaration of independence was announced March 1, 1836. A government was then speedily established, and in March, 1837, the United States acknowledged the independence of Texas. A treaty was proposed April 12, 1844, annexing Texas to the United States, but was rejected by the Senate June 8 of that year. Joint resolutions providing for the annexation of Texas passed the United States House of Representatives in January, 1845, by a vote of 120 to 98, and were passed by the Senate by a vote of 27 to 25 a few days later. The principal objection to annexation was the slavery question. But another serious trouble was its unsettled relations with Mexico. The President approved the resolution of annexation March 1 thereafter. During the summer following a convention was held by Texas, and it accepted the annexation proposition, and by act of Congress approved by President Polk December 29, 1845, Texas was admitted as a State. The census five years later gave it a population of 212,592.

Iowa, the fourth State of the Louisiana purchase to be admitted, claimed the benefit of the cession from France as Arkansas had previously done. In 1834 it was a part of Michigan, and in 1836 was placed under the jurisdiction of Wisconsin. In 1838 it was organized into a Territory, with Burlington as its capital. In 1845 Congress passed an act fixing the boundary of the Territory, which was accepted through a convention of the people assembled for that purpose, and on December 28, 1846, was admitted as the twenty-ninth State, when the present Speaker of the House of Representatives was but 6 years old. No question of a serious character was urged against its admission after the boundary had been fixed. It had in 1850, according to the census, a population of 192,214, which was an increase of 500 per cent over that of 1840. This State has an Indian name, which is said to mean the beautiful land.

Quite a spirited debate arose in Congress over the proposed boundary of Wisconsin at the time of its application for statehood. Three different boundaries were suggested and each had its warm adherents. At last it was admitted with its present boundary. In the census following it had a population of 305,391, ten times that of 1840. It was March 3, 1847, that Congress provided for admission, when the constitution should be approved by the people. The constitution submitted to the people was rejected. It was afterwards amended and resubmitted and accepted at the second vote. Congress on May 29, 1848, admitted it as the thirtieth State in the Union. It was during this month that the treaty was ratified between Mexico and the United States which ceded California and New Mexico to this country and within a few weeks of the proclamation declaring France a Republic.

The treaty of cession by which California and New Mexico were obtained had the following, among other provisions:

That the Mexicans who remain in the ceded territory and become citizens of the United States shall be incorporated into the Union and admitted at the proper time (to be judged by the Congress of the United States) according to the principles of the Constitution; and in the meantime shall be maintained and protected in the full enjoyment of their liberty and property and secured in the free exercise of their religion without restriction.

Attempt was made by Congress in 1848 and 1849 to organize a Territorial government for the new Territory, but owing to the questions of slavery, boundary, and form of government which arose it adjourned without making any arrangements for its government. Thereupon the military governor of California called a civil convention of the people to frame a constitution for themselves June 3, 1849. The convention met in obedience to the proclamation of the governor and framed a system of government for the State, and in it was a provision which accepted any changes suggested by Congress which might be agreed to by the State legislature. In November following the constitution was adopted. The legislature elected at that time convened in December and elected United States Senators. John C. Frémont and William M. Gwin were the persons chosen. In 1849 and 1850 the question of the admission of California was prominent before Congress. It had declared itself a free State.

Southern members were anxious that it be a slave State, and on this rock different elements contested. The Northern States believed that if it came in as a slave State they would lose the balance of power; if as a free State, they could overcome the aggressive movement of the South. For several weeks the agitation continued, with Webster as the leader of the antislavery party and Calhoun as the champion of slavery. It was at last admitted as it had asked, and within a day thereafter, September 11, 1850, its Senators took the oath of office. California had at that time a population of 92,527. This year was marked by the ratification of the Clayton-Bulwer treaty, with reference to the communication by ship canal between the Atlantic and Pacific, and also by the abolition of the slave trade in the District of Columbia.

At the time Minnesota asked for admission two serious questions arose to prevent her progress. One was what should be her boundary; the other whether her electorate should be confined to citizens of the United States in the selection of delegates to the State convention. After a protracted discussion, it was decided that only citizens should enjoy the elective franchise. The boundary question was settled without serious friction, and the enabling act was passed by a vote of 97 to 75 in the House and met but little opposition in the Senate. The date of its admission was May 11, 1858. In 1860 it had a population of 172,023. This State was admitted in the year of the execution of John Brown, of Virginia, and the death of Washington Irving and Lord Macaulay.

Oregon applied for admission near the close of the Administration of Franklin Pierce. The enabling act passed the House, but was defeated in the Senate. The bill was renewed in the next Congress, but met with a vigorous opposition, led by Hon. J. A. Grow, now of the House. The reason assigned was the action of Congress in the preceding session in making objectionable requirements of the people of Kansas. Mr. Grow had made a report favorable to the admission of Oregon in 1857, but was not now willing to admit this as a Democratic State when conditions had been placed on Kansas which, in his judgment, would not be accepted by the people. After a stubborn contest the bill passed the House by a vote of 114 yeas to 103 nays. The bill was approved February 12, 1859. At the census following it had a population of 52,465.

Kansas had a more strenuous and protracted opposition to admission than any State. There were two serious questions on which the people were divided, and Congress as well—slavery and the right of the State to dispose of the Government lands within its borders. Both Houses of Congress, April 13, 1858, passed by majority vote the bill which admitted Kansas to statehood; but certain restrictions and conditions were made with reference to slavery, which it was required to accept before admission. When these propositions were submitted to the people, they were rejected. Again it applied for statehood in 1860. The Committee on Territories, in reporting the conditions of the State at that time, said:

The government under which they have been forced to live began with a desperate, cruel, and bloody establishment by armed usurpation, and was marked in its continuance by the revolting atrocities which characterize savage warfare, emanating directly from the Territorial organization or supported and defended by those clothed with its authority.

After protracted discussion, involving the political conditions of the time, the bill for admission was finally passed, and Kansas, notwithstanding its turmoil, division, and strife, became a State in the Union near the beginning of that fratricidal war which resulted in the loss of so much blood and treasure. It had a population of 107,206.

At the beginning of the civil war many of the mountain counties of Virginia were opposed to secession. Quite a conflict arose between these counties and the other portions of the State. They held various conventions and public meetings, with Wheeling as a headquarters, from time to time, and protested in every way against committing the State to the South and expressed their desire to remain a part of the Union. They conferred by delegates



and otherwise with the State authorities and the members in Congress for Virginia, but with no hope of agreement. The result of this unfortunate condition of affairs led to a division of the State, and West Virginia, by proclamation of the President, became a separate State June 19, 1863, and was recognized as in every way loyal to the Union and in opposition to the sentiment of the South. There was no separate census until 1870. There never was any question about the number of population being sufficient to entitle that part of Virginia to recognition as a State. This division was one of the unfortunate outgrowths of the civil war and was fully justified by the conditions that then existed, and doubtless it is fortunate for both sections of the original State that the division was then made, as well as for the common country.

In 1862 the Territorial legislature passed an act authorizing the framing of a State government in Nevada, but owing to political dissension the people decided against a State government. Mr. STEWART, now Senator from that State, was one of the members of the Territorial convention and opposed statehood. In January, 1864, Congress was again asked to authorize the people to frame a constitution, and it did so, and they by an overwhelming vote adopted the constitution, which had been framed in accordance with the act of Congress, and by the proclamation of President Lincoln Nevada was recognized as a State October 31, 1864. It had at the census following a population of 42,491.

In the midst of the throes of civil combat, with the smoke of battle blackening the heavens with its deadly flame, Nebraska, loyal to the Constitution and the cause of the North, begged for full recognition and the enjoyment of self-government. The country of the Platte was permitted by act of Congress to form a State government April 19, 1864, and the State of Nebraska ratified through its people on January 21, 1866, a constitution by the close majority of 100. In July, 1866, a bill passed Congress for its admission, but did not receive the signature of the President.

In January, 1867, another bill passed both Houses of Congress, but was vetoed on the ground that it embraced conditions not found in the enabling act and on which the people had not decided and to which they had not consented. The conditions to which the President referred were that it should agree that there was to be no denial of the electoral franchise or any other right to any person by reason of race or color. He gave as a further ground for his veto that the people of the Territory were not sufficient. But Congress, on the 9th of February, 1867, passed the act over the President's veto. The legislature within two weeks accepted the conditions named in the act, and the President, on the 1st of March, 1867, made formal proclamation of its admission. The population of Nebraska in 1870 was 122,993, plainly showing that there was no ground for the veto of the President on account of the number of its inhabitants.

An effort was made in 1863 to secure an enabling act for Colorado, but without avail. In March, 1864, however, Congress passed an act enabling the people to frame a constitution. Later in that year an election was held, but the people very properly refused to accept statehood, because they were of the opinion that its expense would be so great as to be burdensome to the people and because the organic act of the Territory restricted the right to vote to free white male citizens of the United States and by specific enactment had provided that no negro or mulatto should enjoy the electoral franchise. Again, in 1865, a convention was called, which promulgated a constitution which, when submitted to the people, was accepted by them. Shortly after Senators were elected and sent to Congress. They were, strange to say, accepted, notwithstanding the Constitutional provision.

Congress agreed to admit the State, but President Johnson vetoed the bill for admission. The reason given for his act was that its population was not sufficient, but the actual cause of this veto, it is claimed, was that the two Senators, Chaffee and Evans, would not pledge themselves to vote against Johnson's impeachment. In 1868 a similar bill was passed, and another veto was given. The Senate only lacked one vote, however, of having the necessary two-thirds to pass it over his veto. Various other attempts were made, but not until March 3, 1875, was an act for statehood adopted. In July, 1876, a new constitution was formed and adopted by an overwhelming vote, and Colorado became the Centennial State, and elected as one of its first actual Senators the present senior Senator from that State [Mr. TELLER]. The population in 1875, by State census, was 135,000, but in 1880 the Government showed the number of inhabitants to be 194,327.

The greatest contest that was ever waged over the question of statehood was in 1888, when Montana, New Mexico, Dakota, and Washington asked for admission. The discussion came over a bill to divide Dakota and to admit South Dakota as a State. The division was largely on political grounds, although the arguments gave support or opposition for other reasons. One party favored the admission of Dakota, but objected to its division; the other

insisted on admitting South Dakota and in making North Dakota a Territory. The question of division had previously been voted upon by the people, and North Dakota gave a majority of 10,388 votes against it and South Dakota 15,259 votes in favor of it. After extended discussion, in which the two Houses of Congress disagreed, it was finally determined in conference on February 22, 1889—on Washington's birthday and in the centennial year of the Constitution—that New Mexico should be dropped from the bill and that Dakota should be divided into two States.

The vote in the House on the admission of these States revealed an opposition which asserts itself here to-day. The House bill as it went to the Senate had the two Dakotas, New Mexico, Montana, and Washington in it. If members will examine that vote, they will learn who were friends to statehood then and that the opposition to this bill is consistent at least with its past record. The several legislatures adopted constitutions in accordance with their enabling acts and were accepted into the Union by proclamation of the President—the Dakotas, November 3; Montana, November 8, and Washington, November 11, of the year 1889. In the year following, the census gave these States the following population: North Dakota, 182,719; South Dakota, 328,808; Montana, 132,159; Washington, 340,390. There was thus admitted the greatest area of territory that ever came into the Union in any one year and the largest number of people were permitted the full enjoyment of the benefits of a republican government in that month of any in the history of our institutions.

Idaho applied for admission after its people had adopted a constitution. An interesting controversy arose in Congress over the question of the ratification of their constitution, mainly because it permitted female suffrage. The old question was also discussed, which had been raised in numerous instances, as to whether it was right to accept a State without having previously directed that it should form a constitution. The final vote on the bill was largely partisan. The State in 1890 had a population of 82,385.

About the same time Wyoming presented its constitution to Congress and asked that it be accepted as a State. The same question of female suffrage that was raised in the case of Idaho became an issue on this application, and, in addition, the question of polygamy was discussed, and some believed that the constitution should not be ratified unless there was a stringent provision in it against the usages of the Mormon Church. It was admitted July 11, 1890, and had in that year a population of 60,705.

Utah asked for an enabling act in 1893. The question of polygamy and the influence of the Mormon Church were very thoroughly discussed. There were those who insisted upon the exclusion of Mormons and polygamists from participation at the polls, while others insisted that stringent regulations were not necessary, as the church had abandoned polygamy and had promulgated an edict against it. The act passed enabling them to frame a constitution in July, 1894. The constitution was framed in accordance with the mandates of Congress and submitted to the people and by them ratified. By proclamation of President Cleveland it became a State January 4, 1896. Its population at the last census was 276,749.

The legislation made and attempted on the question of statehood in the past, and the discussions from time to time, show population to have been an important factor in the consideration, and that 60,000 inhabitants was accepted as the number entitling a Territory to recognition. So far as the record discloses no application was ever rejected where there was a population above that limit on that ground alone. And if we shall be governed in our action to-day by the record heretofore made there can be no question about our duty to admit these Territories.

The most annoying division that ever presented itself in Congress was the question of slavery. Recognized Southern States were admitted as slave States without protest, and the Northern States were to be free as a matter of course. But the border and Western States served to agitate the slavery question and to determine its supremacy. Missouri and Kansas bore the burden of this discussion, one forty years before the civil war and the other about the time of its breaking out. The patriot may now rejoice that this question is forever settled and that it will never again enter into the consideration of the right of the State to enjoy the blessings of liberty and self-government.

The question of boundary, which has served to check the progress of statehood in so many instances, does not enter as a factor in determining whether there shall be an enabling act granted the Territories now asking for statehood. Their boundaries are permanently fixed, and, so far as the Committee on Territories is informed, there can no dispute arise in regard to them.

Partisan bias has been a great factor in determining the vote of members in the past, but I see no chance for it to become an element in determining the fate of these Territories. Every

political partisan must support this bill if he would be loyal to party. In 1896 the Republican national platform declared:

We favor the admission of the remaining Territories at the earliest practicable date, having due regard to the interest of the people of the Territories and of the United States.

In 1900 the language of the platform was stronger than before if possible. This language was used:

We favor home rule for and the early admission to statehood of the Territories of New Mexico, Arizona, and Oklahoma.

The Democratic platform of 1900 commits the party in these words:

We denounce the failure of the Republican party to carry out its pledges to grant statehood to the Territories of Arizona, New Mexico, and Oklahoma, and we promise the people of these Territories immediate statehood.

These pledges take the question of statehood out of the domain of politics. Every gentleman on this floor loyal to party is committed by his party to vote for statehood. Is it true that the Democratic charge of insincerity made against the Republicans in the solemn councils of its convention is well founded? Will Republicans enter a plea of guilty to this indictment by voting against admission? This committal is specific. It names the Territories of this bill, and any gentleman, Democrat or Republican, who votes against the admission of any or all of these Territories voluntarily and deliberately violates the injunctions of his party and spurns its demands in this regard.

Aside from any political obligation, we may safely inquire, What are the merits of this bill? There can be no question, if population is considered, that these Territories should be recognized. If area is to be made a factor in determination, they certainly possess the requisite number of acres. The smallest of these, Oklahoma, is larger than Indiana, West Virginia, and a majority of the original States. The largest, New Mexico, is surpassed in size only by Montana, California, and Texas. I take it that it is not necessary to further investigate this phase of the case, for no one would seriously contend that any of them are too small to be free.

It is the duty of Congress to inquire into the ability of these several Territories to maintain the expenses of State government. The assessed valuation of Arizona in 1901 was \$38,853,831.37; New Mexico, \$38,227,878; Oklahoma, \$52,190,365. This is a greater amount of property than was possessed by 12 States at the time of admission. The only added expense is that of the State government, which would add very little to their aggregate taxation as now levied for other purposes. There is not the slightest doubt of the ability of any of these Territories to meet the obligations of statehood in a financial way.

It may be that there are those who believe that speculation and careless business habits characterize those people. But from the commercial reports of the Government it may be learned that there were 1,992 business concerns in Arizona last year and only 2 failures, the best business record of any State or Territory in the Union. New Mexico, with 1,662 business houses, had only 3 failures, and Oklahoma, with 6,862 separate enterprises, had 44 failures. These Territories have made a record that would do credit to any State for careful, cautious business management.

An impartial inquiry as to the character of the people, their education, and habits will show beyond question a superior citizenship, well qualified in every way to perform the duties devolving upon them as citizens of a State. It has been claimed that the percentage of foreign-born population has much to do with determining the character of the population. If this is true, these Territories will not suffer in comparison with the States in the Union. Arizona, which has the largest of this class, possesses a greater per cent of native-born citizens than the North Atlantic States, while New Mexico has 7 per cent and Oklahoma less than 4 per cent of those who are foreign born. There is an erroneous impression as to the nativity of the people of New Mexico especially, for it is supposed by many that its population is largely Mexican; but the census plainly shows that such assumption is untrue. Many of its people are of Mexican origin, but the present population, as a rule, were born in that country.

There can be no question of the patriotism of the people of these Territories. When the call to arms was made in 1898 each of them quickly responded with a full quota of their best citizens, who were willing to enlist in a cause which would remove suffering and oppression and bring the blessings of freedom to a neighboring people, and now they come under the same flag under which they then enlisted and ask that the ban may be removed and the full benefit which their country and ours may bestow may be shared by them. They ask to be sovereigns, not subjects, citizens equal before the law.

Will this earnest and patriotic cry go unheeded? Will gentlemen turn a deaf ear to their appeals? Will partisan pique or personal bias dissuade from recognition? I beg you to listen to their plea, not that of the oppressed, but of those not equal in

advantage, and for the sake of liberty, for the memory of our fathers, who bought it with the sacrifice of their own blood; in honor of him in whose memory there stands in New York Harbor a statue to catch the eye of the immigrant as he gazes for the first time on this land of the free, and in remembrance of the Father of our Country, whose monument towers above all else in Columbia and teaches the stranger that beyond all we place the cause of human liberty.

Now, in the high tide of prestige and achievement near the beginning of the twentieth century, with the bright star of hope shedding its effulgent rays in every direction, with Christian civilization and moral progress placing new laurels on the brow of victory, joined by the strong ties of common interest, striving in unison for the upbuilding of cherished institutions, with the fires of love burning on the altars of home, with the people loyal to country and ready to offer the sacrifices of life itself in patriotic devotion, with hearts filled with sympathy for mankind and with the outstretched arm of needed assistance the Congress of United States says to-day in words of tenderest regard to Oklahoma, Arizona, and New Mexico, You are welcome to the glorious Union, and there shall be added as an earnest of interest in your welfare three stars to the flag, that you may be recognized in full fellowship, crowned with all the honors incident to freedom, partners in every conquest in the uplift of the people, and factors in that development which shall continue to astonish the world and make more appreciable the influence for good which shall be exerted by this Government in its onward march. [Applause].

Mr. LACEY. Mr. Chairman, the Territory of Oklahoma has been made up from time to time of land taken from the Indian Territory, and this bill, in my judgment, very wisely provides that the growth of Oklahoma shall continue, and it shall continue after the admission into the Union. They have organized under the Dawes Commission a method of transition from former conditions to permanent civil government in the Indian Territory. As rapidly as any one of the tribes, or the people in territories inhabited by such tribes, become ready for self-government, as soon as the land becomes taxable, this bill provides that it may be added to Oklahoma. The destiny of the Indian Territory should be linked with Oklahoma, ultimately.

It is not ready at this time for the Union. It is not ready for the transition now. It never should be an individual State. The Creek and Seminole country will, within the next two years, be ready for the transfer, and it is better that this transfer should be made on the installment plan, by piecemeal, as the bill provides, and therefore, while I favor the ultimate single statehood of these two Territories, and believe the legislation should be in that direction, the bill in its present form wisely provides for the gradual acquisition of the Indian Territory as speedily as the Dawes Commission can get through with their work, and therefore, while the general purpose that the gentleman from Arkansas [Mr. McRAE] has in view of the final joining of the two Territories is a wise one, it should not be done at this time, because the Indian Territory is not ready for it. We would have an instance of representation without taxation, as the property of the Indians is now untaxable.

Mr. STEPHENS of Texas. Is it not a fact that a great many States have had inside of them Indian reservations; that numerous Indian reservations have been within Western States, and could not Oklahoma take inside of its boundaries at the present time these Indian reservations and let this Commission get through with its work and let it all the while be a part of the State of Oklahoma?

Mr. LACEY. I would like to say to the gentleman that the most indigestible thing that a State ever had in its stomach is an Indian reservation.

Mr. STEPHENS of Texas. It would be nothing new, however.

Mr. FLYNN. Mr. Chairman, this question was discussed before the Committee on Territories. The Committee on Territories, after having given hearings and considering the matter, inserted the proposition which is contained on page 4 of the bill, which provides that before the State of Oklahoma shall be admitted it shall in its State constitution surrender in advance to Congress the right to add any or all of the Indian Territory to it.

Now, the question arises, Why not do it at this time? I will tell you very frankly. The Indian Territory, covering, as it does, an area equal to the State of Indiana, has not within its boundaries one foot of public highway. They have raised two or three generations of people who do not know the color of a public school. It has scarcely one dollar of property taxed for school or other purposes. It was thought best by the Committee on Territories that a Territorial government should first be given it. They have never had any kind of government except the Indian government. The Committee on Territories have unanimously reported a bill for a Territorial form of government for that Territory.



As a representative of the Territory of Oklahoma, asking statehood here, I say that I never will consent to the admission of Oklahoma at this time with the Indian Territory without provision first being made by Congress to protect the Indian Territory, to furnish it money and lands for its public schools.

Oklahoma has gone on and has reared a commonwealth that everybody here is proud of, whether he votes to pass this bill or not, but we do not feel that it is right to take one-half of the property we have and divide it with the people in the Indian Territory, who, as I say, have not one acre of taxable property within the confines of an area equal to the size of the State of Indiana. It will take, if you should admit them, if you had the power to do it—you may say you have the power, but I deny that you have it now in fairness under the treaties, because in the recent treaties made with some of those Indians in order to get them to surrender the titles of their land we said that we would place no government over them other than what they had for six years from the time that we ratified the treaty, and if the amendment of the gentleman from Arkansas should prevail you would repudiate the several agreements made with those Indians, and if you carry out your agreements it will be impossible to add it to Oklahoma until 1906.

Mr. McRAE. I want to ask you if the Territorial bill will not violate this treaty you speak of?

Mr. FLYNN. I do not think so.

Mr. McRAE. Then I should like to know if the Territorial bill brings with it any taxable property?

Mr. FLYNN. No more than it would if it admitted the same Territory to statehood. But I will tell you what you can do. You can have these people under some kind of a civilized government, which is more than they have had. The struggling State of Oklahoma ought to be allowed to go on in its onward march, and let Congress take care of the Territorial government of the Indian Territory just the same as you did for us. That is what you gave Oklahoma first. We had no taxable property when you gave us Territorial form of government. We have gone on now and in the matter of taxable property, as in other things, we have as creditable a showing as can be made.

But let me say to you that it will take \$10,000,000 to get public highways alone in the Indian Territory. If you should admit Oklahoma as a State, do you want her to pay for that? Oklahoma has a larger school fund to-day than any State in the Union, and I for one will never consent that one dollar of that shall be diverted to the Indian Territory or any other place. Why? Because the land from which we derived that school fund came from within the boundaries of Oklahoma, and not an acre of it from within the boundaries of the Indian Territory. I believe that eventually Oklahoma and Indian Territory will be one State. The bill I introduced and which is incorporated in this omnibus bill has that object in view, but Congress must first equalize the school fund so that Oklahoma will not be asked to support the schools of the Indian Territory.

Mr. KNOX. I move that debate upon this amendment be considered closed.

Mr. McRAE. I should like to be heard for about a minute.

The CHAIRMAN. The gentleman from Massachusetts moves that debate on the amendment be considered closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The question being taken, on a division, demanded by Mr. McRAE, there were—ayes 57, noes 103.

So the amendment was rejected.

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. ALLEN of Maine having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On May 3, 1902:

H. R. 1012. An act granting an increase of pension to Patrick Moran;

H. R. 1086. An act granting an increase of pension to Francis W. Pool;

H. R. 1742. An act granting an increase of pension to Alonzo Lewis;

H. R. 4129. An act granting an increase of pension to Lonson R. Burr;

H. R. 5170. An act granting an increase of pension to Frederick Wright;

H. R. 5560. An act granting an increase of pension to Annie L. Evens;

H. R. 7149. An act granting an increase of pension to Ephraim D. Dorman;

H. R. 7994. An act granting an increase of pension to Margaret M. Grant;

H. R. 9494. An act granting an increase of pension to Mary A. Address;

H. R. 10173. An act granting an increase of pension to Richard Trist;

H. R. 10179. An act granting an increase of pension to Theron R. Mack;

H. R. 10449. An act granting an increase of pension to Sarah H. Lake;

H. R. 10795. An act granting an increase of pension to William A. Campbell;

H. R. 11545. An act granting an increase of pension to Caroline E. Boyd; and

H. R. 12468. An act granting an increase of pension to Phineas Curran.

#### ADMISSION OF OKLAHOMA, ARIZONA, AND NEW MEXICO AS STATES.

The committee resumed its session.

The Clerk read as follows:

SEC. 3. That the delegates to the convention thus elected shall meet at the seat of government of said Territory on the fifth Tuesday after their election, excluding the day of election in case such day shall be Tuesday, and, after organization, shall declare, on behalf of the people of said proposed State, that they adopt the Constitution of the United States; whereupon the said convention shall be, and is hereby, authorized to form a constitution and State government for said proposed State. The constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said State:

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship.

Second. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title in or to any unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian tribe; and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposal of the United States. And said Indian land shall remain under the jurisdiction and control of the Congress of the United States; that land belonging to citizens of the United States residing without the limits of said State shall never be taxed at a higher rate than the lands belonging to the residents thereof; that no taxes shall be imposed by the State on lands or property belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein, or in the ordinances herein provided for, shall preclude the said State from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States, or from any person, a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the land thus granted from taxation; but such ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe: *Provided*, That the constitutional convention provided for herein shall, by ordinance irrevocable, express the consent of the State of Oklahoma that Congress may at any time, or from time to time, attach all or any part of the Indian Territory to the State of Oklahoma after the title to said lands in said Indian Territory is extinguished in the tribes now claiming the same, and the same assigned in severalty and subject to taxation.

Third. That the debts and liabilities of said Territory of Oklahoma shall be assumed and paid by said State.

Fourth. That provision shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control; and said schools shall always be conducted in English: *Provided*, That this act shall not preclude the teaching of other languages in said public schools.

Mr. HOOKER. Mr. Chairman, I move to strike out the proviso on page 4 of the bill which makes it the duty of the Territory of Oklahoma to acquire territory from the Indians.

The CHAIRMAN. The Clerk will report the proposed amendment.

The Clerk read as follows:

Strike out the proviso in section 3 of the bill from the word "*Provided*," on page 4, to the word "*taxation*," on page 5.

Mr. HOOKER. Mr. Chairman, I desire to say a word on this subject. This is an entirely abnormal and unusual provision.

Mr. PAYNE. I hope the words which are proposed to be stricken out may be read.

Mr. HOOKER. I will read them to you, if you have not read them yourself. The proviso is:

*Provided*, That the constitutional convention provided for herein shall, by ordinance irrevocable, express the consent of the State of Oklahoma that Congress may at any time, or from time to time, attach all or any part of the Indian Territory to the State of Oklahoma after the title to said lands in said Indian Territory is extinguished in the tribes now claiming the same, and the same assigned in severalty and subject to taxation.

I say that this is an unusual and extraordinary provision. You propose to create a State out of Oklahoma by the boundaries and metes now provided by law constituting that Territory, and yet you require by this provision that in the convention which Oklahoma is to call it shall by irrevocable ordinance give consent to the addition of such portions of the Indian Territory from time to time, or all of it, as Congress may choose to determine. I say that such a provision has never been added to any Territorial bill passed by Congress, whether an omnibus bill or a special bill. It

is unjust to the Indians, as I have before remarked. I have given my reasons for it. As has been well said by the gentleman from Missouri, they ought to be put under a Territorial government, and no State ought to be clothed with the power and authority to take any portion of their land in violation of the treaties of the Government of the United States, no matter whether that State be Oklahoma, now proposed to be admitted, or any other State.

The Oklahoma convention could not, under the law, under the treaties, and under the Constitution, clothe herself with the power to do any such thing. It is abnormal and unnatural, and if the committee act properly I think they will agree with me that it is better to strike out this proviso, which has no connection with the bill and ought never to be put into it. If they do that, in my opinion, they will pass their bill as it has been advocated by the gentleman from Massachusetts [Mr. KNOX], the chairman of the committee, and as it has been strenuously advocated by the representatives from Oklahoma, New Mexico, and Arizona.

If this proposition is retained in the bill, it will be the means in the future, in case Congress should determine to do so, to increase by adding the whole of the Indian Territory to Oklahoma. I take it, from the vote upon the amendment offered by the gentleman from Arkansas, that there are many who voted against that amendment who yet believe that at some time in the future, when the conditions in the Indian Territory shall justify it, that Territory, or part of it, at least, shall become a part of the State of Oklahoma.

Mr. CRUMPACKER. Does the gentleman believe that this provision will bind the State of Oklahoma when it shall have been established?

Mr. KNOX. I do.

Mr. CRUMPACKER. Is it the understanding of the gentleman that it is binding on the United States Government also?

Mr. KNOX. It leaves the power in Congress, where it is now. We do not undertake to vacate the power of Congress in any case as to the Indian Territory or any part of it, but as to the State of Oklahoma we do.

Mr. CRUMPACKER. I understand that any time any future Congress, notwithstanding this provision, shall have the right and the power to erect or to make a new State out of the Indian Territory, the same as it has now.

Mr. KNOX. I understand that is so. The enabling act which gives Oklahoma the authority to hold the convention and to form a constitution that governs this whole matter will be binding upon Oklahoma to admit any part of the Indian Territory that Congress shall dictate.

Mr. RAY of New York. I would like to ask the gentleman a question.

Mr. KNOX. Certainly.

Mr. RAY of New York. I would like to inquire if he thinks that under the Constitution of the United States we can create a sovereign State to-day, clothe her with the powers of a sovereign State, and in so doing impose a condition that at some future time, when we see fit, we may attach to her and make a part of that sovereign State some other territory, some other people, against her consent, and that we can bind such new State by such a condition.

Mr. KNOX. I answer that question confidently in the affirmative.

Mr. RAY of New York. Where do you get any authority for it?

Mr. KNOX. Here in the very act that gives to the Territory of Oklahoma its power to have a convention to adopt a constitution on which it will be admitted into the Union as a State. In that very enabling act; and it is granted, and presumably it would be so held, as a binding condition of this irrevocable agreement to admit the Indian Territory or any part of it. It is in her constitution. It is a condition imposed by the United States in the act which enables her to make a constitution. It starts from the beginning.

Mr. RAY of New York. Now, would it not be true if we pass this law, and then under that law admit that Territory as a State, that the newly created State of Oklahoma will have all the powers, all the sovereign powers, that any one of the original thirteen States had, each one of them? It has been decided over and over again that whatever the conditions are or the limitations you attempt to impose that when you have created a new State—and the law enacted by Congress may make whatever condition it pleases to impose—still you have granted and conferred all the powers and sovereignty that each of the original thirteen States had, and you can not reserve or keep from such new State any of those sovereign powers. You may just as well undertake to say that the people of one of the Territories shall be attached to Texas or shall be attached to any other of the States against her will as to put this proviso here in this bill. It has no force whatever.

Mr. KNOX. We do not say that they shall be attached to anything.

Mr. RAY of New York. But what you undertake to say in

this proviso is that hereafter Congress may attach the Indian Territory—

Mr. KNOX. Nothing of the kind.

Mr. RAY of New York (continuing). Or a part of it, to Oklahoma.

Mr. KNOX. Nothing of the kind. We say that Oklahoma shall express her consent, and that shall be an irrevocable ordinance.

Mr. RAY of New York. Then under this bill you are not granting sovereign powers to this newly created State. You are seeking to impose restrictions and reserving the right to Congress to tell Oklahoma that she must at a future day receive other people and an extension of territory.

Mr. KNOX. Oh, no.

Mr. RAY of New York. You can not constitutionally enact this proviso. It will have no force.

Mr. KNOX. Now, as to the suggestion that the gentleman makes, this is a primary condition imposed by this bill on the State when it is raised from the condition of a Territory. Do you think that after they have done that that they subsequently can repudiate it, that being one of the conditions upon which this enabling act is passed? Do you think that after the bill creating the Territory of Utah a State that they could enact a law authorizing polygamy, if it were otherwise lawful, under their agreement?

Mr. RAY of New York. We may impose any condition we please that is preliminary to their coming in; and they must accept those conditions when they come in, and make their contract and make their bargain themselves. But once in, the contract can not be enforced. But that is a different proposition entirely from the one contained in this bill. This is a proposition where you undertake to say that we will give Oklahoma statehood, make her a sovereign people, a sovereign power, and she must agree that at some subsequent time, as a sovereign State, she will permit the Government of the United States to attach to her other people and other territory. I refer you to *Escanaba Co. v. Chicago* (107 U. S., 678), and *Huse v. Glover* (119 U. S., p. 546). Such provisions are void.

Mr. KNOX. Not at all. They agree to it; they express their consent to it; it is not a future agreement at all.

Mr. RAY of New York. Oh, no; not at all; not for a moment.

Mr. KNOX. Not for a moment, but forever. [Laughter.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. [Cries of "Vote!" "Vote!"]

Mr. KNOX. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. LITTLE. Mr. Chairman—

The CHAIRMAN. Debate is exhausted.

Mr. LITTLE. I move to strike out the last word. Mr. Chairman, I hope the amendment offered by the gentleman from Mississippi may be adopted. I believe it will be not only an unwise but an unjust policy toward the future prosperity and hopes of the people of the Indian Territory to have the grab hooks around its neck with a threat or a promise that hereafter that Territory or any part of it may be added to the State of Oklahoma if she should be admitted to statehood under this bill.

We waive for the present the question whether it is within the power of Congress to lay a condition of this character that would bind a sovereign State after its admission to statehood; but passing that by, I want to address myself to the wisdom of the proposition. I happen to personally know hundreds of citizens of the Indian Territory, both Indian citizens and noncitizens, and I can say to you what I believe to be the truth when I say it is the hope of that great people and that great resourceful country that in the near future they may alone represent one of the stars of our flag. I voted against the proposition to unite the two. I did it, first, because I believe it would, if adopted, defeat the pending bill, which I hope may pass; and, second, I believed the policy ought to be defined now—I believe this Congress should say that it is not only its purpose to make a State out of the Territory of Oklahoma but that it is its purpose and intention to ultimately make a sovereign and independent State out of the Indian Territory.

There is there to-day sufficient intelligence, sufficient manhood, sufficient of American citizenship to bear aloft the banner of a beautiful and grand State. Over 300,000 American citizens—not ignorant citizens, as has been indicated—are within its borders. The children, it is true, have no schools except in the towns and cities, but some of the best blood of the surrounding States of the American Union are citizens of that country. They have builded up there prosperous towns and cities all over the country, running up into the hundreds, and so far as that is concerned there is taxable property and privileges sufficient in the Indian Territory to support a splendid Territorial government and to bring the promise of free schools to the people of that Territory.



Therefore I hope that this amendment may be adopted, to the end that the uncertainty, created by the provision sought to be stricken out, in the future toward the people of this Territory may be removed, and that they may go on building up the Territory and building up their country with the certainty, or at least the hope, that this Congress will give them Territorial government, and when the time comes, and in the near future, it will extend to them the privileges and rights and sovereignty of an independent State. [Applause.] Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Mississippi [Mr. HOOKER].

The question was taken; and on a division demanded by Mr. HOOKER there were—33 ayes and 101 noes.

So the amendment was lost.

Mr. ROBERTS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 3, line 18, after the word "worship," add "provided that nothing herein contained shall be construed to legalize the practice of polygamy."

The amendment was considered and adopted.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 10. That said sections 13 and 33 aforesaid when sold shall be disposed of at public sale as the legislature of said State may prescribe, preference right to purchase being given to the lessee at the time of such sale; but the same may be leased for periods of not more than five years, under such rules and regulations as the legislature shall prescribe, and shall not be subject to homestead entry or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for designated purposes only, and until such time as the legislature shall prescribe the same shall be leased under existing rules.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask a member of the committee how the schools are supported now?

Mr. FLYNN. By the land that we now have. This confirms to us the lands reserved to us since we have been a Territory, and we are using them now.

Mr. GAINES of Tennessee. That is what I thought; this confirms the lands as the property of the schools?

Mr. FLYNN. Yes.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 13996. An act making appropriations for the diplomatic and consular service in the Republic of Cuba.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 3567. An act granting an increase of pension to Peter J. Osterhaus.

#### ADMISSION OF OKLAHOMA, ARIZONA, AND NEW MEXICO AS STATES.

The committee resumed its session.

The Clerk read as follows:

SEC. 19. That the inhabitants of all that part of the area of the United States now constituting the Territory of Arizona as at present described may become the State of Arizona, as hereinafter provided.

Mr. OVERSTREET. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out section 19 and insert in lieu thereof the following:

"SEC. 19. The inhabitants of all that part of the area of the United States now constituting the Territories of New Mexico and Arizona as at present described may become a State under the name of Montezuma, or such name as may be finally determined by the convention to be elected under this act."

Mr. OVERSTREET. Mr. Chairman, I wish to have this amendment pending in order that members may see it in the RECORD. As the hour is late, I have no disposition to press it further to-night.

Mr. KNOX. Mr. Chairman, before moving that the committee rise I wish to state that, though to-morrow is, under the rules, pension day, it is our intention to go on with the consideration of this bill to-morrow morning. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEMENWAY reported that the Committee of

the Whole on the state of the Union had had under consideration the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States, and had come to no resolution thereon.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3748. An act for the relief of M. L. Cobb, administrator of W. W. Cobb—to the Committee on Claims.

S. 1988. An act to ratify an agreement with the Indians of the Klamath Indian Reservation in Oregon, and making appropriations to carry the same into effect—to the Committee on Indian Affairs.

S. 1672. An act for the relief of Elisha A. Goodwin, executor of the estate of Alexander Goodwin—to the Committee on Claims.

S. 2276. An act to fix the time of holding the circuit and district courts for the southern district of West Virginia—to the Committee on the Judiciary.

S. 4408. An act to amend section 934 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901—to the Committee on the District of Columbia.

S. 3237. An act to grant jurisdiction and authority to the Court of Claims in the case of *Southern Railway Lighter No. 10*, her cargoes, etc.—to the Committee on Claims.

S. 111. An act for the relief of William J. Smith and D. M. Wisdom—to the Committee on Claims.

S. 1874. An act for the relief of Frank F. Flournoy—to the Committee on Claims.

S. 576. An act for the relief of Mrs. P. J. Getty, administratrix—to the Committee on War Claims.

S. 5460. An act to refer the claim of John S. Mosby against the United States for the value of certain tobacco to the Court of Claims—to the Committee on War Claims.

S. 4769. An act to fix the fees of jurors in the United States courts—to the Committee on the Judiciary.

S. 136. An act for the relief of Mrs. Martha E. West—to the Committee on War Claims.

S. 92. An act for the relief of Howard Lodge, No. 13, I. O. O. F., of Gallatin, Tenn.—to the Committee on War Claims.

S. 2992. An act to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect—to the Committee on Indian Affairs.

S. 2056. An act granting an increase of pension to David J. Newman—to the Committee on Invalid Pensions.

S. 5209. An act granting an increase of pension to Hannah A. Van Eaton—to the Committee on Invalid Pensions.

S. 1614. An act granting an increase of pension to Nelson W. Carlton—to the Committee on Invalid Pensions.

S. 5052. An act granting an increase of pension to Gilbert Barkalow—to the Committee on Invalid Pensions.

S. 2863. An act granting an increase of pension to Mary L. Purington—to the Committee on Invalid Pensions.

S. 3551. An act granting an increase of pension to John P. Collier—to the Committee on Invalid Pensions.

S. 5371. An act granting an increase of pension to Jonathan O. Thompson—to the Committee on Invalid Pensions.

S. 2457. An act granting an increase of pension to Warren Y. Merchant—to the Committee on Invalid Pensions.

S. 5118. An act granting an increase of pension to Adam Stuber—to the Committee on Invalid Pensions.

S. 896. An act granting an increase of pension to James E. McNair—to the Committee on Invalid Pensions.

S. 2646. An act granting a pension to Justus L. Denton—to the Committee on Invalid Pensions.

S. 5119. An act granting an increase of pension to Samuel S. Walch—to the Committee on Invalid Pensions.

S. 4982. An act granting an increase of pension to John Fler—to the Committee on Invalid Pensions.

S. 4727. An act granting an increase of pension to Isaac Rhodes—to the Committee on Invalid Pensions.

S. 2697. An act granting an increase of pension to Sarah F. Baldwin—to the Committee on Invalid Pensions.

S. 5506. An act granting an increase of pension to Clayton P. Van Houten—to the Committee on Pensions.

S. 4710. An act granting a pension to Anna May Hogan—to the Committee on Invalid Pensions.

S. 3506. An act granting an increase of pension to Stanley M. Casper—to the Committee on Invalid Pensions.

S. 712. An act granting a pension to John Housiaux—to the Committee on Invalid Pensions.

S. 3888. An act granting a pension to Jesse H. Hubbard—to the Committee on Invalid Pensions.

S. 5424. An act granting an increase of pension to Cynthia J. Shattuck—to the Committee on Invalid Pensions.

S. 5103. An act granting an increase of pension to Horace L. Richardson—to the Committee on Invalid Pensions.

S. 4790. An act directing payment of pension to Stephen A. Seavey—to the Committee on Invalid Pensions.

S. 1184. An act granting a pension to Mary Florence Von Steinwehr—to the Committee on Invalid Pensions.

S. 1471. An act for the relief of Henry G. Rogers—to the Committee on Military Affairs.

S. 5302. An act granting an increase of pension to John H. Everitt—to the Committee on Invalid Pensions.

S. 5080. An act granting a pension to Hester J. Farnsworth—to the Committee on Invalid Pensions.

S. 4240. An act granting a pension to Calvin N. Perkins—to the Committee on Invalid Pensions.

S. 1458. An act granting an increase of pension to Linda W. Slaughter—to the Committee on Invalid Pensions.

S. 4712. An act granting an increase of pension to Eliphalet Noyes—to the Committee on Invalid Pension.

S. 5202. An act granting an increase of pension to Jennie Wagner—to the Committee on Pensions.

S. 4415. An act granting an increase of pension to Vesta A. Brown—to the Committee on Invalid Pensions.

S. 2168. An act granting an increase of pension to Charles O. Baldwin—to the Committee on Invalid Pensions.

S. 921. An act granting an increase of pension to Joanna Rogers—to the Committee on Invalid Pensions.

S. 5402. An act granting an increase of pension to Hiram H. Thomas—to the Committee on Invalid Pensions.

S. 5534. An act granting an increase of pension to Abbie C. Bremner—to the Committee on Invalid Pensions.

S. 3567. An act granting an increase of pension to Peter J. Osterhaus—to the Committee on Invalid Pensions.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bill and joint resolution of the following titles:

H. R. 4446. An act for the relief of Harry C. Mix; and  
H. J. Res. 177. Joint resolution providing for the printing of the American Ephemeris and Nautical Almanac.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. KNAPP, for one week, on account of sickness in his family.

To Mr. CUSHMAN, until May 12, on account of important business.

#### SUBSIDIARY SILVER COINAGE.

Mr. COCHRAN. I ask unanimous consent to file the views of a minority of the Committee on Coinage, Weights, and Measures on the bill (H. R. 12704) to increase the subsidiary silver coinage.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? The Chair hears none, and leave is granted.

#### LEAVE TO PRINT.

Mr. LLOYD. I ask unanimous consent to extend in the RECORD some remarks that I made to-day on what is known as the statehood bill.

There was no objection, and leave was accordingly granted.

And then, on motion of Mr. KNOX (at 5 o'clock p. m.), the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting schedules of useless papers on the files of the various offices of his Department—to the Joint Committee on Disposition of Useless Papers, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers urging the passage of Senate joint resolution 34, authorizing printing of report on testing hydraulic cements—to the Committee on printing, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on Indian Affairs, to which

was referred the bill of the Senate (S. 4962) to ratify and confirm an agreement with the Red Lake and Pembina bands of Indians, of the Red Lake Reservation, Minn., and making appropriation to carry the same into effect, reported the same without amendment, accompanied by a report (No. 1936); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VREELAND, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 8729) to establish a fish hatchery and fish station in the State of Utah, reported the same without amendment, accompanied by a report (No. 1938); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FORDNEY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 10592) to establish a fish-hatching and fish station in the State of Michigan, reported the same without amendment, accompanied by a report (No. 1939); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COCHRAN, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 12704) to increase the subsidiary silver coinage, submitted the views of the minority of said committee (Report No. 1092, part 2); which said views were referred to the Committee of the Whole House on the state of the Union.

Mr. TALBERT, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 13363) to maintain the gold standard, provide an elastic currency, equalize the rates of interest throughout the country, and further amend the national banking laws, submitted the views of the minority of said committee (Report No. 1425, part 2); which said views were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTLETT, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 13363) to maintain the gold standard, provide an elastic currency, equalize the rates of interest throughout the country, and further amend the national banking laws, submitted his views thereon (Report No. 1425, part 3); which said views were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. REID, from the Committee on Claims, to which was referred the bill of the Senate (S. 167) for the relief of John L. Smithmeyer and Paul J. Pelz, reported the same with amendment, accompanied by a report (No. 1937); which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 14228) granting a pension to Julius Felix; and the same was referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. RYAN: A bill (H. R. 14277) to prevent fraud in the sale of boots, shoes, slippers, or other leather foot wear—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: A bill (H. R. 14278) providing for the payment of the award of the Secretary of the Interior in favor of the Cherokees, made under the provisions of the act of Congress of March 3, 1893, as set forth in the findings of fact by the Court of Claims of April 28, 1902, in Senate Document No. 334 of the Fifty-seventh Congress, first session—to the Committee on Indian Affairs.

By Mr. WILEY: A bill (H. R. 14279) to erect suitable buildings, and to improve the grounds around the same for disabled Confederate soldiers, at or near Mountain Creek, Ala.—to the Committee on Military Affairs.

By Mr. MONDELL: A bill (H. R. 14280) providing for national trophy and prizes for rifle competition—to the Committee on Military Affairs.

By Mr. MORRELL: A bill (H. R. 14281) to prevent discrimination by common carriers of passengers carried in the District of Columbia on account of race or color—to the Committee on the District of Columbia.

By Mr. ELLIOTT: A bill (H. R. 14304) to authorize the President of the United States to nominate as second lieutenant of infantry in the United States Army on the retired list the oldest



enlisted man on the rolls of the Army—to the Committee on Military Affairs.

By Mr. ROBERTS: Resolutions of the Massachusetts legislature, favoring increase of salaries for United States letter carriers—to the Committee on the Post-Office and Post-Roads.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS: A bill (H. R. 14282) to remove the charge of desertion from the record of William Durst, alias Walter David, United States Navy—to the Committee on Naval Affairs.

By Mr. BALL of Texas: A bill (H. R. 14283) for the relief of the First National Bank of Navasota, Tex.—to the Committee on Claims.

By Mr. BATES: A bill (H. R. 14284) granting an increase of pension to B. W. Fortner—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 14285) granting a pension to Denison L. Brown—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 14286) for the relief of the estate of David R. Hubbard—to the Committee on War Claims.

By Mr. JACKSON of Kansas: A bill (H. R. 14287) granting an increase of pension to William W. Kingsland—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 14288) granting a pension to Edward McCarty—to the Committee on Pensions.

By Mr. LITTLE (by request): A bill (H. R. 14289) for the relief of Thomas J. Estes—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: A bill (H. R. 14290) granting an increase of pension to Edwin L. Roberts—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 14291) granting an increase of pension to Elizabeth Whitty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14292) granting a pension to Sarah A. E. McLean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14293) for the relief of John D. Hicks, sr., of Hampton, Va.—to the Committee on War Claims.

Also, a bill (H. R. 14294) for the relief of Edward William Bailey—to the Committee on Claims.

By Mr. MOODY of Oregon: A bill (H. R. 14295) authorizing the transfer to the retired list of the Navy of Naval Constructor Richmond P. Hobson, United States Navy—to the Committee on Naval Affairs.

By Mr. POWERS of Maine: A bill (H. R. 14296) granting a pension to Jere Fenno—to the Committee on Pensions.

By Mr. ROBINSON of Nebraska: A bill (H. R. 14297) granting a pension to James E. Harmon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14298) granting an increase of pension to Eldridge Campbell—to the Committee on Invalid Pensions.

By Mr. SIBLEY: A bill (H. R. 14299) granting an increase of pension to James Dunlap—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 14300) for the relief of the Methodist Church at Newhaven, Ky.—to the Committee on War Claims.

By Mr. ELLIOTT: A bill (H. R. 14301) to allow Sergt. William J. Boone, Troop E, Fourteenth Cavalry, to be examined for promotion to the grade of second lieutenant in the Army, notwithstanding his being a married man—to the Committee on Military Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 14302) granting an increase of pension to Samuel Burrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14303) granting an increase of pension to Robert H. Maricle—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROMWELL: Petition of distillers of Cincinnati, Ohio, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BULL: Papers to accompany House bill 14285, granting a pension to Denison L. Brown—to the Committee on Invalid Pensions.

By Mr. BURKETT: Petition of citizens of Lincoln, Nebr., in favor of amendments to the bankruptcy act—to the Committee on the Judiciary.

By Mr. CAPRON: Resolution of Budlong Post, No. 18, Grand Army of the Republic, Department of Rhode Island, favoring

House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

Also, resolutions of the town council of Charlestown, R. I., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. COOMBS: Resolutions of the State Association of Master Plumbers of California, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Resolutions of Engineers' Society of Western Pennsylvania, in favor of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. EDWARDS: Resolutions of Anaconda Lodge, No. 614, of Anaconda, Mont., Brotherhood of Railroad Trainmen, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolution of Montana Stock Growers' Association, Helena, Mont., for an amendment of the census law, providing for an annual classified census of live stock—to the Select Committee on the Census.

By Mr. FOERDERER: Petitions of Fisher, Bruce & Co. and A. B. Kirschbaum & Co., Philadelphia, Pa., favoring the passage of House bill 13679, to amend the bankruptcy act—to the Committee on the Judiciary.

By Mr. GILBERT: Petitions of sundry citizens of Anderson and Jessamine counties, Ky., in favor of House bills 178 and 179, reducing the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. GRAHAM: Resolutions of Post No. 157, of Pittsburg, Department of Pennsylvania, Grand Army of the Republic, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. GREEN of Pennsylvania: Paper to accompany House bill 14261, granting a pension to Nathan Hawk—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Resolutions of the Credit Men's Association of Columbus, Ohio, indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of the Sixth Annual Convention of the American Blind People's Higher Education and various other institutions, favoring the education of the blind—to the Committee on Education.

By Mr. HAMILTON: Petition of citizens of Detroit, Mich., for Congressional intervention in behalf of the people of the South African Republic—to the Committee on Foreign Affairs.

By Mr. HITT: Petition of 21 citizens of Fulton County, Ill., for repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. HOLLIDAY: Resolutions of United Mine Workers' Union No. 1131, of Staunton; No. 24, of Rosedale, and Labor Union No. 139, of Lyford, Ind., favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Resolutions of the Commercial Exchange of Burlington, Iowa, in favor of the Lodge consular bill—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Resolution of the Republican Club of Brooklyn, N. Y., favoring the construction of one or more war ships in the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. MAHONEY: Petition of St. Cecylia Society and Ludwig Nigolewski Society, of Chicago, Ill., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. MORRELL: Resolution of the Germania Turnverein, of Philadelphia, Pa., favoring the adoption by Congress of a resolution of sympathy with the people of the South African Republic and the Orange Free State—to the Committee on Foreign Affairs.

By Mr. OTJEN: Petition of citizens of Milwaukee, Wis., favoring Senate bill 5002 and House bill 12940, designated as the inquiry commission bill—to the Committee on Labor.

By Mr. PALMER: Petition of Edward E. Reynolds and others of Kingston, Hazleton, Wilkesbarre, and other towns in Pennsylvania, favoring House bill 8735, for the establishment and maintenance of schools of mines and mining—to the Committee on Mines and Mining.

By Mr. PEARRE: Petition of Freeman West and 35 other citizens of Garrett County, Md., asking for the passage of House bills 178 and 179—to the Committee on Ways and Means.

By Mr. RUPPERT: Resolutions of the Union Republican Club of the Twenty-second assembly district of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SIBLEY: Resolution of Lodge No. 105, Brotherhood of Railroad Trainmen, Oil City, Pa., favoring the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Kentucky: Papers to accompany bill for the relief of the Methodist Episcopal Church South, New Haven, Ky.—to the Committee on War Claims.

By Mr. SULZER: Petitions of Louise B. Wallace, W. E. Thompson, Alexander Geddes, and 11 others; also W. A. Duvall, Thomas O. Crouse, and 5 other citizens, all of Baltimore, Md., praying for intervention between the Boer Republic and Great Britain to the end that hostilities may cease—to the Committee on Foreign Affairs.

By Mr. WANGER: Resolution of Lieutenant John H. Fisher Post, No. 101, of Hatboro, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill granting a pension to Robert H. Maricle—to the Committee on Invalid Pensions.

By Mr. WOOTEN: Resolutions of Local Branch No. 28, United Brotherhood of Leather Workers on Horse Goods, protesting against the President's order prohibiting utterances by Government employees—to the Committee on the Judiciary.

Also, resolutions of Cattle Raisers' Association of Texas, favoring the passage of the Foraker-Corliss safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same association, protesting against leasing public lands to individuals and private corporations—to the Committee on the Public Lands.

Also, resolution of the same association, favoring the passage of House bill 6565, known as the Grosvenor pure-fiber bill—to the Committee on Ways and Means.

Also, resolutions of the same association, in favor of certain bills affecting the cattle interests—to the Committee on Agriculture.

## SENATE.

FRIDAY, May 9, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SPOONER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

### PETITIONS AND MEMORIALS.

Mr. SPOONER presented a petition of the Federated Trades Council, of Madison, Wis., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented resolutions adopted at a meeting of the Turn Verein, of Sheboygan, and of the Gymnastic Association, of Milwaukee, in the State of Wisconsin, expressing sympathy with the people of the South African Republic and the Orange Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of Local Division No. 176, Brotherhood of Locomotive Engineers, of Baraboo; of Local Division No. 68, Order of Railway Conductors, of Baraboo; of Hall of Fox River Division, No. 373, Order of Railway Conductors, of Green Bay; of Hall of Guard Rail Lodge, No. 168, Brotherhood of Locomotive Firemen, of North La Crosse, and of Local Division No. 297, Brotherhood of Locomotive Engineers, of Green Bay, all in the State of Wisconsin, praying for the passage of the so-called Hoar bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were referred to the Committee on the Judiciary.

Mr. KEAN presented a petition of the Woman's Christian Temperance Union, of Avon, N. J., praying for the appointment of a commission to investigate the practical working of woman suffrage in Wyoming, Colorado, Utah, and Idaho; which was referred to the Committee on Woman Suffrage.

He also presented a petition of the Morris County Retail Liquor Dealers and Hotel Keepers' Protective Association, of Morristown, N. J., praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of Newark Lodge, No. 219, Brotherhood of Railroad Trainmen, of Newark, N. J., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating

against the passage of any substitute therefor; which was referred to the Committee on the Judiciary.

Mr. CLAPP presented a petition of the Northwestern Furriers' Union, of St. Paul, Minn., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. CULLOM presented petitions of Local Division No. 294, Brotherhood of Locomotive Engineers, of Chicago; of Lodge No. 456, Brotherhood of Railroad Trainmen, of Chicago; of Lodge No. 375, Brotherhood of Locomotive Trainmen, of Chicago, and of Local Division No. 31, Brotherhood of Locomotive Engineers, of Aurora, all in the State of Illinois, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were referred to the Committee on the Judiciary.

He also presented the petition of A. Y. Trogdon, of Paris, Ill., praying that relief be granted him for the prosecution of certain pension claims; which was referred to the Committee on Pensions.

Mr. COCKRELL presented a resolution adopted at a meeting of the Rockspring Turn Verein, of Rockspring, Mo., expressing sympathy with the people of the South African Republic and the Orange Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Division No. 55, Order of Railway Conductors, of Kansas City, Mo., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was referred to the Committee on the Judiciary.

Mr. HALE presented petitions of the Board of Trade of Portland and of the Portland Marine Society, of Portland, in the State of Maine, praying for the enactment of legislation granting pensions to surfmen and increasing the pay of superintendents of the Life-Saving Service; which were referred to the Committee on Commerce.

He also presented a petition of Aroostook Lodge, No. 393, Brotherhood of Railroad Trainmen, of Houlton, Me., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was referred to the Committee on the Judiciary.

He also presented petitions of the New Hampshire Annual Conference of the Methodist Episcopal Church and of the Presbytery of New York, praying for the enactment of legislation increasing the pay of chaplains in the United States Navy, etc.; which were referred to the Committee on Naval Affairs.

Mr. BLACKBURN presented petitions of sundry citizens of Jessamine County, Harrison County, Bourbon County, Anderson County, Fayette County, and Franklin County, all in the State of Kentucky, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. DEPEW presented a petition of the Central Republican Club of New York City, N. Y., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PENROSE presented petitions of Division No. 215, of Bowling Green; of Simon Kenton Lodge, No. 345, of Covington; of Division No. 239, Order of Railway Conductors, of Lexington; of Adair Division, No. 365, of Louisville; of Cumberland Mount Lodge, of Somerset; of the Order of Railroad Telegraphers, of Russell; of Chesapeake Lodge, No. 454, of Russell; of the Brotherhood of Railroad Trainmen of Louisville; of Division No. 89, Order of Railway Conductors, of Louisville, all of the State of Kentucky; of Local Union No. 278, of Lebanon; of Delaware Lodge, No. 123, Brotherhood of Railroad Trainmen, of Wilmington; of Brotherhood of Railroad Trainmen, Brandywine Lodge, No. 528, of Wilmington; Order of Railway Conductors, Division No. 224, of Wilmington, all of the State of Delaware; of Locomotive Engineers, Division No. 216, of Pine Bluff; of Cotton Belt Division, Order of Railway Conductors, of Pine Bluff; of Locomotive Engineers, Division No. 182, of Little Rock; of Division No. 554, of Little Rock; of Big Rock Lodge, No. 49, Brotherhood of Railroad Trainmen, of Little Rock, all of the State of Arkansas; of Savage Mountain Lodge, No. 22, of Mount Savage; of Monumental Division, No. 52, of Baltimore; of Baltimore Division, No. 337, Order of Railway Conductors; of Brotherhood of Railroad Trainmen, Lodge No. 124, of Baltimore; of Good Intent Lodge, No. 447, of Baltimore; of Monumental Lodge, No. 438, of Baltimore; of Brotherhood of Railroad Trainmen of Brunswick;